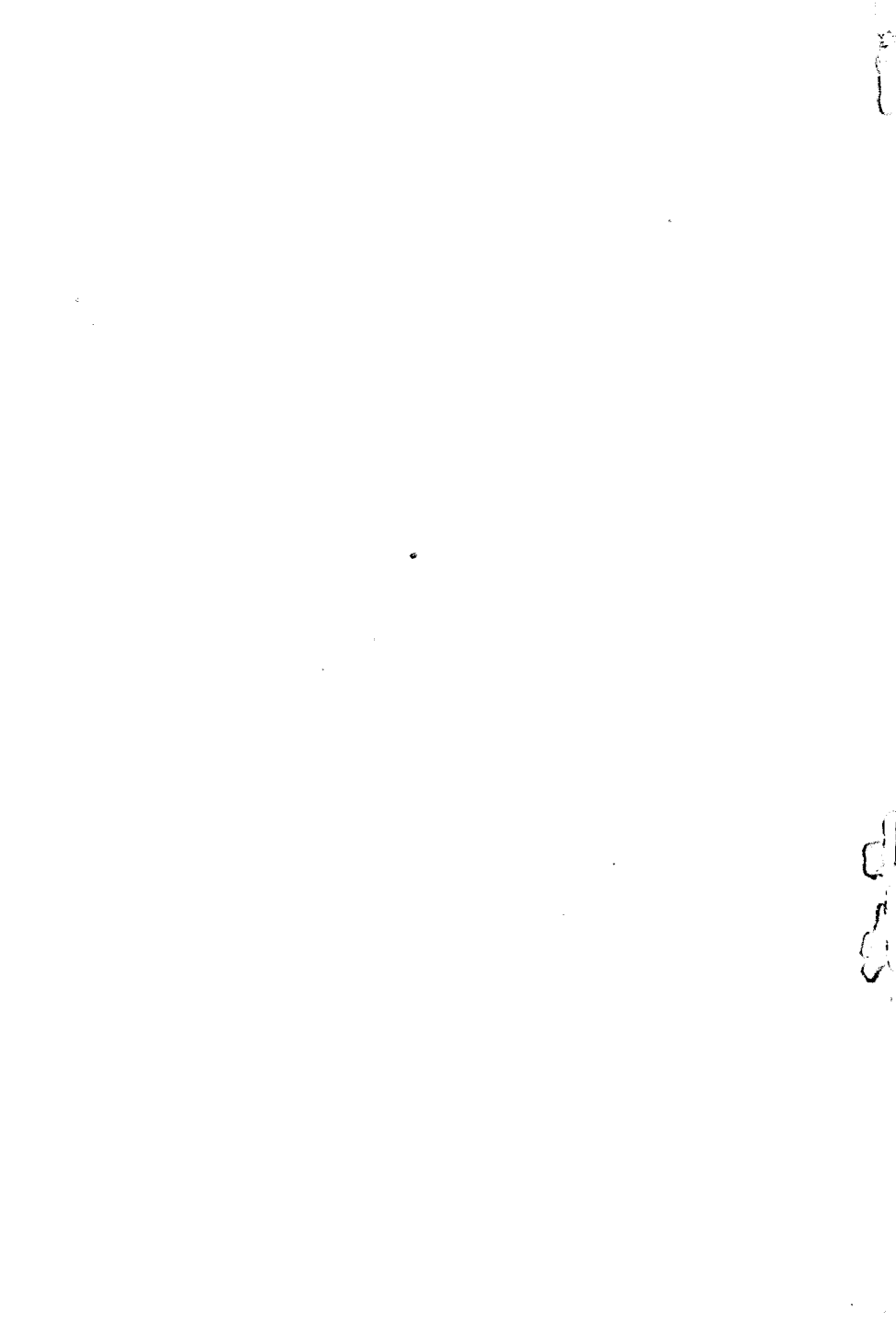


LAWS
OF THE
REPUBLIC OF HAWAII

PASSED BY THE
LEGISLATURE

AT ITS
SESSION, 1898.

HONOLULU:
HAWAIIAN GAZETTE COMPANY'S PRINT,
1898.



LAWS OF THE REPUBLIC OF HAWAII

ACT 1.

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE SESSION OF THE LEGISLATURE OF THE YEAR 1898, FROM THE PUBLIC TREASURY.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. There is hereby appropriated the sum of Twenty Thousand Dollars (\$20,000.00) from the Public Treasury for the purpose of defraying the expenses of the Session of the Legislature of the year 1898.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 4th day of March, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 2.

AN ACT TO AMEND SECTION 33 OF THE ACT ENTITLED "AN ACT TO REORGANIZE THE JUDICIARY DEPARTMENT" APPROVED NOVEMBER 25TH, A. D. 1892, RELATING TO THE TERMS OF THE CIRCUIT COURTS.

Be it enacted by the Legislature of the Republic of Hawaii :

SECTION 1. Section 33 of the Act entitled "An Act to reorganize the Judiciary Department" approved November 25th, A. D. 1892, relating to the terms of the Circuit Courts is hereby amended so as to read as follows:

"Section 33. The terms of the Circuit Courts may be continued and held from the opening thereof, respectively, until and including the twenty-fourth day thereafter, Sundays and legal holidays excepted. Provided, however, that any such term may be extended by the presiding Judge for not more than twelve days after the expiration of the said twenty-fourth day."

Approved this 12th day of March, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 3.

AN ACT TO REPEAL SECTION 1139 OF THE CIVIL CODE RELATING
TO APPEALS FROM DECISIONS OF CIRCUIT COURTS.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. That Section 1139 of the Civil Code be and the same is hereby repealed.

SECTION 2. This Act shall become a law from and after the date of its publication.

Approved this 12th day of March, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 4.

AN ACT TO AMEND SECTIONS 1480 AND 1481, CHAPTER 35, OF
THE CIVIL CODE AS AMENDED ON MAY 14TH, 1868, AND SEC-
TIONS 1482 AND 1483 OF THE CIVIL CODE, RELATING TO IN-
TEREST ON MONEY.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 1480 of the Civil Code be, and the same is hereby amended so as to read as follows:

“Section 1480. When there is no express contract in writing, fixing a different rate of interest, interest shall be allowed

at the rate of six per cent. per annum, for all moneys after they become due on any bond, bill, promissory note, or other instrument of writing, for money lent, for money due on the settlement of accounts, from the day on which the balance is ascertained, and for money received to the use of another, from the date of a demand made.”

SECTION 2. That Section 1481 be, and the same is hereby amended, to read as follows:

“Section 1481. Interest at the rate of six per cent. per annum, and no more, shall be allowed on any judgment, recovered before any Court in this Republic, in any civil suit.”

SECTION 3. That Section 1482 be, and the same is hereby amended, to read as follows:

“Section 1482. It shall in no case be deemed unlawful to stipulate by written contract, for any rate of interest, not exceeding one per cent. per month, provided the contract to that effect be signed by the party to be charged therewith.”

SECTION 4. That Section 1483 be, and the same is hereby amended, to read as follows:

“Section 1483. No action shall be maintainable in any Court of this Republic, to recover a higher rate of interest than one per cent. per month, upon any contract made in this Republic; provided, however, that this Section shall not be held to apply to contracts for money lent upon bottomry bonds, or upon any maritime risks, nor upon contracts made prior to the passage of this Act.”

SECTION 5. This Act shall take effect from and after the date of its publication.

Approved this 12th day of March, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 5.**AN ACT TO AMEND SECTION 1102 OF THE CIVIL CODE, RELATING
TO THE SERVICE OF SUMMONS.**

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 1102 of the Civil Code is hereby amended so as to read as follows:

“Section 1102. Every summons issued under the seal of a Court of Record shall be served by the Marshal, or his Deputy, or a Sheriff or Deputy Sheriff, upon the defendant, by the delivery to him of a certified copy thereof, and of the plaintiff’s petition, to which petition shall always be annexed a literal copy of the voucher upon which it is predicated, (if any there be,) or in case the defendant cannot be found, by leaving such certified copy with some agent or person transacting the business of the defendant, or at the defendant’s last place of residence.”

SECTION 2. This Act shall take effect from the date of publication.

Approved this 24th day of March, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 6.

AN ACT AUTHORIZING THE CONVICTION, OF ACCUSED PERSONS. IN CERTAIN CASES, OF OFFENSES NECESSARILY INCLUDED IN THAT CHARGED; AND AMENDING CHAPTER IX OF THE PENAL CODE BY ADDING A NEW SECTION THERETO.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Chapter IX of the Penal Code is hereby amended by adding thereto a new section which shall read as follows:

“11. Upon the trial of any person charged with any offense enumerated in this Chapter, he may be found guilty of any offense necessarily included in that with which he is charged, as the facts proved will warrant.”

SECTION 2. This Act shall take effect from the date of publication.

Approved this 24th day of March, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 7.

AN ACT TO ALLOW ASSIGNEES TO MAINTAIN ACTIONS IN THEIR OWN NAMES IN CERTAIN CASES.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The assignee of any non-negotiable chose in action, assigned in writing, may maintain thereon in his own

name any action which, but for the assignment, might be maintained by the assignor; subject, however, to all equities and set-offs existing in favor of the party liable against the assignor and which existed at the time of the assignment or at any time thereafter until notice thereof was given to the party liable.

SECTION 2. This Act shall take effect from the date of publication.

Approved this 25th day of March, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 8.

AN ACT RELATING TO STENOGRAPHERS, INTERPRETERS AND
CLERKS FOR CERTAIN COURTS OF THE REPUBLIC OF HAWAII.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Authority is hereby conferred upon the First Judge of the First Judicial Circuit and upon each of the Circuit Judges of the other Circuit Courts, to appoint, with the approval of the Chief Justice of the Supreme Court, one or more stenographers and one or more interpreters for their respective circuits. Authority is hereby also conferred upon the District Magistrate of Honolulu, in the Island of Oahu, upon the District Magistrate of South Hilo, in the Island of Hawaii, and upon the District Magistrate of Wailuku, in the Island of Maui, respectively, to appoint, with the approval of the Chief Justice aforesaid, a clerk and one or more inter-

preters for each of said District Courts. Each of the stenographers, interpreters and clerks thus appointed shall hold office during the pleasure of the Judge or Magistrate by whom he is appointed, and shall receive for his services such salary as the Legislature may from time to time appropriate therefor. Any one of the said Circuit Judges may temporarily assign to any stenographer or interpreter appointed by him as aforesaid any appropriate duties in any Court of said Republic other than the one in which he is located. Nothing herein contained, however, shall be held to prevent the employment by any one of the Circuit Judges or District Magistrates aforesaid, without the approval of the Chief Justice aforesaid, of any stenographer, interpreter or clerk to serve in individual cases as they may arise, when necessary.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 25th day of March, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 9.

AN ACT RELATING TO CORONERS' INQUESTS; AMENDING SECTION 2 OF CHAPTER LX OF THE PENAL CODE; AND REPEALING SECTIONS 318 TO 330 OF THE CIVIL CODE.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 2 of Chapter LX of the Penal Code is hereby amended to read as follows:

“Section 2. As soon as any Coroner shall have notice of the death of any person, within his jurisdiction, supposed to have come to such death by poisoning, violence, or in any suspicious manner, he shall forthwith issue his summons to six good and lawful men, of the district where such death may have occurred, or in which the dead body may have been found or is at the time lying, to appear before him at the time and place expressed in the warrant, and there to inquire upon the view of the body of the deceased, when, how, and by what means he came to his death.

In all cases of sudden death the Coroner shall inquire into the cause, and in his discretion shall cause an inquest to be held even if he is not satisfied that there are suspicious circumstances attending the death.

All persons summoned to serve on a Coroner's Jury shall be paid Two Dollars per day for each day's actual attendance; and if any person summoned to serve on such Jury shall fail to appear, without reasonable excuse therefor, he may be fined by the Coroner, not exceeding Ten Dollars; and the Coroner may issue process to any Constable for the collection of any fines thus imposed.”

SECTION 2. Sections 318 to 330 inclusive of the Civil Code are hereby repealed.

SECTION 3. This Act shall take effect from the date of publication.

Approved this 28th day of March, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 10.

AN ACT PROVIDING FOR THE SUSPENDING OF SENTENCE IN
CERTAIN CASES.

Be it enacted by the Legislature of the Republic of Hawaii :

SECTION 1. Any Judge of a Court of Record or District Magistrate may, upon the motion of the Attorney-General, or his deputy, or other duly qualified prosecuting officer, suspend the sentence of any person convicted of a crime or misdemeanor before the Court over which such Judge or Magistrate is presiding, for any period not to exceed thirteen months from the date of the conviction of such person.

SECTION 2. At any time within thirteen months after the date of conviction of any person in respect of whom sentence has been so suspended, the Court or Magistrate, having jurisdiction of the case, shall, upon the request of the Attorney-General, or his Deputy, or other duly qualified officer, issue a summons citing such person to appear for sentence at the time and place in such summons stated. Should the person so cited fail to appear before the Magistrate or Court at the time and place named, the Court or Magistrate shall issue a warrant for the arrest of such person.

When such person shall so appear or be produced before the Court in accordance with the terms of such summons or warrant, the Court or Magistrate shall proceed to impose sentence according to law. Such sentence shall thereupon be duly recorded and certified to the Marshal or his Deputy in the order for imprisonment or other punishment, as the case may be.

If, in any case in which sentence has been suspended in accordance with the provisions of this Act, sentence is not im-

posed within thirteen months from the date of conviction, the person so convicted shall not thereafter be liable to sentence on such conviction.

SECTION 3. For the purpose of this Act the Marshal or Deputy Marshal, any Sheriff or Deputy Sheriff shall be deemed to be a duly qualified prosecuting officer.

Approved this 28th day of March, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 11.

AN ACT TO AMEND SECTION 1 OF AN ACT ENTITLED, "AN ACT TO EXTEND CERTAIN STREETS IN THE DISTRICT OF HONOLULU," APPROVED MAY 27TH, 1896, RELATING TO WHAT STREETS SHALL FIRST BE EXTENDED.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 1 of an Act entitled "An Act to extend certain streets in the District of Honolulu approved May 27th, 1896," is hereby amended so as to read as follows:

"Section 1. The streets in the District of Honolulu in the Island of Oahu now known as Fort, Kukui, Vineyard, Kuakini, Bates, Pensacola, Mililani, Queen and Young streets shall be extended as hereinafter set forth, at such times as the Executive Council shall decide according to the respective surveys for such extension thereof in the schedule hereunto annexed, anything in this Act entitled, 'An Act to

provide for the opening, improving and enclosing of highways,' approved Dec. 19th, 1892, to the contrary notwithstanding. And whenever the Executive Council shall deem it desirable for the public convenience so to extend the said streets or any of them as aforesaid, it may cause the same to be done after requiring the damages and betterments which such extension or extensions will cause in private real estate effected thereby to be appraised according to the provisions of said Act."

SECTION 2. This Act shall take effect from the day of its publication.

Approved this 5th day of April, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 12.

AN ACT TO AMEND SECTION 1, CHAPTER LVIII. OF THE SESSION LAWS OF 1892, ENTITLED: "AN ACT TO ENCOURAGE THE CULTIVATION OF COFFEE AND RAMIE."

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 1, Chapter LVIII., of the Session Laws of 1892, is hereby amended to read as follows:

"Section 1. From and after the passage of this Act, and for the term of ten years from the first day of July, in the year one thousand eight hundred ninety-eight, all coffee trees and ramie plants, and all coffee and ramie produced in this country; and all mills, machinery, appliances, tools and build-

ings used exclusively in the care, cultivation or preparation of coffee or ramie for market, shall be and hereby are exempted from all taxes and import duties.”

SECTION 2. This Act shall be in force from and after its publication.

Approved this 5th day of April, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 13.

AN ACT AMENDING SECTION 1308 OF THE CIVIL CODE AND TO
ADD A NEW SECTION, TO BE CALLED SECTION 1308A, RE-
LATING TO THE RELEASE OF DOWER.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 1308 of the Civil Code is hereby amended so as to read as follows:

“Section 1308. A woman may bar her right of dower, in any estate conveyed by her husband, by joining with him in the deed conveying the same, and therein releasing her claim to dower, or by a separate deed releasing the same, made at the time of the conveyance by her husband, or subsequently, or she may delegate to an attorney-in-fact other than her husband, the power to execute such release, either by general or special power of attorney, and her execution and acknowledgment of the power of attorney may be in the same manner as if she were sole.”

SECTION 2. A new Section is hereby added, to be called Section 1308A, to read as follows:

“Section 1308A. No release of dower duly executed by the attorney-in-fact of any married woman prior to the passage of this Act shall be held to be invalid or inoperative merely by reason of its not having been executed by such married woman in person.”

SECTION 3. This Act shall take effect from and after its publication.

Approved this 18th day of April, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 14.

AN ACT RELATING TO THE DISPOSITION OF SCHOOL TAX AND TO
REPEAL SECTION 5 OF ACT 51 OF THE SESSION LAWS OF
1896, RELATING THERETO.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. That Section 5 of Act 51 of the Session Laws of 1896 be and the same is hereby repealed; and all School taxes now in the Treasury on special deposit are hereby transferred to the general current account.

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 20th day of April, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 15.

AN ACT TO PROVIDE FOR THE ELECTION OF SENATORS.

WHEREAS, Section 2 of Article 54 of the Constitution Provides that at the General Election of 1899, Senators shall be elected in three classes to hold office for two, four and six years respectively, and thereafter for terms of six years; and that the details of such election and apportionment or terms shall be provided for by the Legislature; Now Therefore

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. At the general election of the year 1899, electors of Senators shall be entitled to elect Senators as follows:

In the Second Senatorial District, one Senator for a term of two years, one Senator for a term of four years and one Senator for a term of six years.

In the Third Senatorial District, two Senators for a term of two years, two Senators for a term of four years and two Senators for a term of six years.

In the First Senatorial District, two Senators for a term of two years, one Senator for a term of four years and one Senator for a term of six years.

In the Fourth Senatorial District, one Senator for a term of four years and one Senator for a term of six years.

SECTION 2. At all subsequent general elections the electors of Senators shall be entitled to elect Senators as follows:

In the Second Senatorial District, one Senator for a term of six years.

In the Third Senatorial District, two Senators for a term of six years.

In the First Senatorial District, at the general election of the year 1901 and at every third general election thereafter, two Senators for a term of six years; and at all other general elections, one Senator for a term of six years.

In the Fourth Senatorial District, one Senator for a term of six years, excepting that at the general elections of the year 1901 and every third general election thereafter, no Senators shall be elected.

SECTION 3. This Act shall take effect from the date of its publication.

Approved this 20th day of April, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 16.

AN ACT RELATING TO THE GRADE OF STREETS IN HONOLULU AND HILO, AND TO AMEND SECTION 12 OF CHAPTER 47 OF THE SESSION LAWS OF 1892, ENTITLED "AN ACT DEFINING HIGHWAYS AND DEFINING AND ESTABLISHING CERTAIN RIGHTS AND DUTIES IN CONNECTION THEREWITH," APPROVED OCTOBER 15TH, A. D. 1892.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 12 of Chapter 47 of the Session Laws of 1892 entitled, "An Act defining Highways and defining and

establishing certain rights and duties in connection therewith," approved October 15th, 1892, is hereby amended to read as follows:

"Section 12. After the establishment of the grades of streets in Honolulu and Hilo, as by law prescribed, the said Minister may require the owners of the land adjoining any street, the grade of which has been established, to construct sidewalks in accordance with the grade of the street and to comply with the regulations regarding the material and construction of such sidewalks."

Approved this 22nd day of April, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 17.

**AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE IMMEDIATE
USE OF THE GOVERNMENT.**

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The following sums amounting to Thirty-two Thousand Six Hundred (\$32,600.00) Dollars are hereby appropriated to be paid out of any and all moneys in the Treasury, received from all the current receipts of the general revenue of the Republic of Hawaii.

INTERIOR DEPARTMENT.

Roads and Bridges, Oahu.....	\$ 18,300 00
Roads and Bridges, Kauai.....	9,200 00
Roads and Bridges, Hana, Maui.....	1,000 00
Roads and Bridges, Hamakua.....	1,000 00

Roads and Bridges, Hilo.....	2,100 00
Roads and Bridges, Keanae, Maui.....	1,000 00
	<hr/>
	\$ 32,600 00

SECTION 2. The Minister of Finance shall not cause or allow to be paid from the Treasury any money for the objects named in this Act, except as herein provided, and the unauthorized expenditures of any money from the Treasury to be thereafter accounted for to the Legislature by Indemnity Bill, is hereby expressly prohibited.

SECTION 3. All and every contract for constructing or repairing public works amounting to Five Hundred (\$500.00) Dollars, and for furnishing material, provisions, and other supplies, shall be awarded only upon public advertisement for tenders; and no public work, material or supplies, shall be divided or parceled out for the purpose of evading the provisions of this Section.

SECTION 4. In the construction of all new roads or bridges and in the expenditure of all specific appropriations for repairing roads and bridges it shall first be necessary that the Road Boards of the several districts in which such new work is contemplated shall approve of the same, and all such work shall be under the supervision of the Road Board of the district in which such new work is being carried on, and the final acceptance of all such work by the Minister of the Interior shall be on the certificate from such Road Board that the same has been done in a good and workmanlike manner and as provided by the contract and specifications.

SECTION 5. This Act shall take effect and become law from the date of its publication.

Approved this 22nd day of April, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 18.

AN ACT TO AMEND SECTION 1140 OF THE CIVIL CODE RELATING
TO THE SUBMISSION OF DIFFERENCES TO THE SUPREME
COURT WITHOUT ACTION.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 1140 of the Civil Code is hereby amended to read as follows:

“Section 1140. Parties to a question in difference which might be the subject of a civil action in the Circuit Court or Supreme Court may, without action, agree upon a case containing the facts upon which a controversy depends and present a submission of the same to the Justices of the Supreme Court either in term time or in vacation; but it must appear by affidavit that the controversy is real and the proceedings in good faith to determine the rights of the parties. Provided, however, that the Justices of the Supreme Court may in their discretion require the case to be first submitted to a Circuit Judge at Chambers, subject to appeal.”

Approved this 22nd day of April, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 19.

AN ACT RELATING TO THE LIMITATION OF TIME WITHIN WHICH ACTIONS MAY BE BROUGHT TO RECOVER POSSESSION OF LAND; AND AMENDING SECTIONS 1, 2, 4 AND 5, AND REPEALING SECTION 8 OF CHAPTER XXII. OF THE SESSION LAWS OF 1870, RELATIVE THERETO.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 1 of Chapter XXII. of the Session Laws of 1870 is hereby amended so as to read as follows:

“Section 1. No person shall commence an action to recover possession of any lands, or make any entry thereon, unless within ten years after the right to bring such action first accrued.”

SECTION 2. Section 2 of said Chapter is hereby amended so as to read as follows:

“Section 2. If such right first accrued to any ancestor or predecessor of the person bringing such action, or making such entry, or to any persons from, by or under whom he claims, the said ten years shall be computed from the time when the right first accrued to such ancestor, predecessor or other persons.”

SECTION 3. Section 4 of said Chapter is hereby amended so as to read as follows:

“Section 4. If, when such right of entry or of action shall first accrue as aforesaid, the person entitled to such entry or action shall be within the age of twenty years, or insane, or imprisoned, such person, or anyone claiming from, by or under

him, may take the entry or bring the action at any time within five years after such disability shall be removed, notwithstanding the ten years before limited in that behalf, shall have expired."

SECTION 4. Section 5 of said Chapter is hereby amended so as to read as follows:

"Section 5. If the person first entitled to make such entry or bring such action shall die during the continuance of any of the disabilities mentioned in the preceding Section, and no determination or judgment shall have been had of or upon the title, right or action which accrued to him, the entry may be made, or the action brought by his heirs, or any other person claiming from, by or under him at any time within five years after his death, notwithstanding the said ten years shall have expired."

SECTION 5. Section 8 of said Chapter is hereby repealed.

SECTION 6. This Act shall take effect from and after the first day of January, A. D. 1899: Provided that action may be commenced upon any such right then existing, and which would otherwise be barred by the provisions of this Act, within one year from said date and the same may be carried to final determination under the provisions of Chapter XXII. of the Session Laws of 1870 as heretofore existing; provided also that nothing herein shall be construed to extend the time within which any such action may be brought under said provisions.

Approved this 22nd day of April, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 20.

AN ACT TO AMEND SECTION 4, CHAPTER IX. OF THE PENAL
CODE RELATING TO ASSAULT AND BATTERY.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 4, Chapter IX. of the Penal Code is hereby amended so as to read as follows:

“Section 4. Whoever shall assault another, with intent to murder, or to maim or disfigure his person in any of the ways mentioned in the preceding section, shall be judged guilty of assault in the first degree, and shall be punished by a fine not exceeding one thousand dollars, and imprisonment at hard labor not more than five years.”

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 25th day of April, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 21.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF CLAIMS,
UNPAID BILLS AND SALARIES DUE PRIOR TO DECEMBER
31ST, 1897.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The following sums amounting to \$87,452.19 are hereby appropriated to be paid out of all moneys in the Treasury, received from all the current receipts of the general revenue of the Republic of Hawaii, in addition to the sums heretofore appropriated, for the following purposes, namely:

Claim of Canadian and Australian S. S.

Line	\$9,439 12	
Interest for one year from May 20, 1897, to May 20, 1898, at six per cent.	566 35	
		\$ 10,005 47
Claim of Charles Dunwell		3,250 00
Claim of sundry persons in re S. S. "Kinai Maru"		6,018 00
Expenses of Special Session of Senate, 1897		500 00
		<hr/>
		\$ 19,773 47

DEPARTMENT OF JUDICIARY.

Expenses Supreme and Circuit Courts	\$ 5,046 00
Pay of Interpreters not specially provided for	115 75
Stationery and Incidentals	50 98
Purchase of Law Books	54 75
	<hr/>
	\$ 5,267 48

DEPARTMENT OF FOREIGN AFFAIRS.

Band	\$	91 65
Military		14 00
Expenses, Diplomatic and Consular Service.		5,020 00
Expenses, Mission of Special Envoy to London.		3,424 06
Clerical Aid, San Francisco Consulate.		90 00
Claim of Thomas Nott.		16 00
		<hr/>
	\$	8,655 71

DEPARTMENT OF FINANCE.

Incidentals of Finance Department.	\$	90 50
Extra Compensation Clerk Finance Office.		300 00
Incidentals of Tax Assessor's Office.		2,258 51
Special Service Fund, Customs Bureau.		1,284 92
Incidentals, Customs Bureau.		994 25
Expense Pilot and Customs Boat.		74 31
Printing Certificates of Deposit.		4,474 95
Printing 80,000 Postal Cards.		713 50
Return Double Taxes, Grace Kahoalii.		129 30
Salaries due and unpaid, December 31st, 1897:		
Salary of Clerk, Second Circuit.	\$	125 00
Salary of District Magistrate, Lahaina		140 00
Salary of District Magistrate, Wailuku		92 00
Salary of District Magistrate, Makawao		92 00
Salary of District Magistrate, Hana		70 00
Salary of District Magistrate, Kipahulu		25 00
Salary of District Magistrate, Honouliuli		25 00

Salary of District Magistrate, Molo- kai	42 00	
Salary of District Magistrate, Lanai	25 00	
Salary of District Magistrate, North Kona	50 00	
Salary of District Magistrate, Ha- makua	91 00	
Salary of District Magistrate, Puna	33 00	
Salary of District Magistrate, Li- hue	140 00	-
Salary of District Magistrate, Wai- mea	70 00	
Salary of District Magistrate, Ha- nalei	41 00	
Salary of District Magistrate, Koloa	100 00	
Salary of District Magistrate, Ka- waihau	83 00	
Commissions of Deputy Assessors and Collector	14,031 00	•
Salary of Collector Mahukona and Honoipu	60 00	
Support English, Hawaiian and Common Schools (57 Drafts)....	2,137 00	
Salaries of School Agents, (15 Drafts)	149 75	
	<hr/>	17,621 75
		<hr/>
		\$ 27,941 99

DEPARTMENT OF THE ATTORNEY-GENERAL.

Expenses of Witnesses in Criminal Cases.....	\$ 1,854 20
Coroners' Inquests	213 25
Incidentals, Civil and Criminal Expenses.....	40 35
Support of Prisoners, Hawaii.....	218 00
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	\$ 2,325 80

DEPARTMENT OF PUBLIC INSTRUCTION.

Stationery and Incidentals.....	\$ 1,832 93
Repairing School Houses.....	1,100 75
Industrial and Reform School.....	601 16
Manual Training	3 15
Book Fund	383 93

\$ 3,921 92

COMMISSION OF PUBLIC LANDS.

Survey and Field Work.....	\$ 1,575 50
Preliminary Roads and Trails.....	1,026 00
Incidentals	901 48

\$ 3,502 98

DEPARTMENT OF THE INTERIOR.

Bureau of Agriculture.....	\$ 148 53
Pay of Light-house Keepers.....	25 00
Public Grounds	6 00
Lighting Streets other than Honolulu.....	23 25
Bureau of Public Works.....	671 92
Steam Tug	1,109 97
Repairs and Furniture, Government Buildings....	67 53
Electric Light	15 75

\$ 2,067 95

BOARD OF HEALTH.

Segregation, Support and Treatment of Lepers....	\$ 7,471 57
Support and Maintenance of Hospitals.....	678 33
Support of non-leprous children of lepers.....	65 55

Insane Asylum	171	50
Quarantine Expenses	2,439	06
General Expenses	1,404	41
Medicines	764	47
Claims growing out of action taken during Cholera Epidemic of 1895:		
Claim of Lee Ming & Co.....	\$ 750	00
Claim of V. O. Teixeira.....	250	00
	<hr/>	1,000
		<hr/>
		\$ 13,994 89

RECAPITULATION.

Claim of Canadian and Australian S. S. Line.....	\$ 10,005	47
Claim of Charles Dunwell.....	3,250	00
Claim of sundry persons in re S. S. "Kinai Maru" .	6,012	00
Expenses of Special Session of Senate, 1897.....	500	00
Judiciary Department	5,267	48
Department of Foreign Affairs.....	8,655	71
Department of Finance.....	27,941	99
Department of the Attorney-General.....	2,325	80
Department of Public Instruction.....	3,921	92
Commission of Public Lands.....	3,502	98
Department of the Interior.....	2,067	95
Board of Health.....	13,994	89
	<hr/>	
		\$ 87,452 19

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 25th day of April, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 22.

AN ACT TO AMEND SECTIONS 75 AND 79 OF CHAPTER 51 OF SESSION LAWS OF 1896 RELATING TO TAX APPEAL COURT.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. That Section 75 of Chapter 51 of the Session Laws of 1896 be and the same is hereby amended to read as follows:

“Section 75. Three suitable persons shall be appointed by the President of the Republic of Hawaii, for each Judicial Circuit, to hold office for one year, who shall respectively constitute Courts of Appeal to hear and determine all appeals and objections duly taken under this Act, in their several circuits. Provided, however, that no assessor or his deputy shall be appointed to sit as a member of any such court of appeal.

SECTION 2. That Section 79 of Act 51 of the Session Laws of 1896 be and the same is hereby amended so as to read as follows:

“SECTION 79. The said Court shall hold sittings in each Judicial Circuits between the first day of August and the 20th day of August in each year, in each Judicial Circuit in which the property is situated, on the value of which an appeal may have been taken, at such times as the presiding officers thereof may appoint, and may adjourn from time to time as may be necessary.

SECTION 3. This Act shall take effect from and after its publication.

We hereby certify that the foregoing Bill, having previously passed the Legislature, was presented to the President for his signature and approval on the 12th day of April, 1898, and that on the 25th day of April, 1898, more than ten days having elapsed since such presentation, the President of the Republic of Hawaii returned the same to the Legislature, neither signed nor vetoed, and that the Legislature has not adjourned *sine die* prior to the expiration of such ten days from the time of such presentation.

W. C. WILDER,
President of Senate.

Attest:

GEORGE MANSON,
Clerk of Senate.

JOHN LOT KAULUKOU,
Speaker House of Representatives.

Attest:

JAMES N. K. KEOLA,
Clerk of House of Representatives.

ACT 23.

AN ACT RELATING TO CIRCUIT JUDGES, AND PROVIDING FOR THE APPOINTMENT OF A PERSON TO PERFORM THE DUTIES OF THE OFFICE DURING THE ABSENCE OR TEMPORARY DISABILITY OF A CIRCUIT JUDGE, AND AMENDING SECTIONS 30 AND 34 OF CHAPTER 72 OF THE LAWS OF 1892, ENTITLED "AN ACT TO REORGANIZE THE JUDICIARY DEPARTMENT."

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. In case of the temporary disability or absence from the country of any Circuit Judge, some other person may

be appointed by the President to perform the duties of the office while such disability or absence continues.

The commission of every such person so appointed may be revoked at any time by the President at his discretion.

SECTION 2. The provisions of this Act shall not be construed to conflict with the provisions of Section 45 of Chapter 57 of the Laws of 1892, entitled "An Act to reorganize the Judiciary Department," by which the Judge of some other Circuit may preside at the trial of a cause or term of the Circuit Court when so requested by the Chief Justice.

SECTION 3. This Act shall take effect from the date of its publication.

Approved this 3d day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 24.

AN ACT RELATING TO THE PENAL CODE AND PENAL LAWS OF
THE REPUBLIC OF HAWAII.

Be it Enacted by the Legislature of the Republic of Hawaii:

SECTION 1. It shall be sufficient in any charge or indictment and in any judicial proceeding to cite or refer to any section or chapter of the compilation of the Penal Statutes made by Sidney Miller Ballou, Esquire, of the Hawaiian Bar and known as "The Penal Laws of the Hawaiian Islands, 1897," as "Section (or Chapter).....of the Penal Laws,"

without reference to the Section or Chapter of the Penal Code, Session Laws or Statutes which may be the original enactment of the Section of the Penal Laws cited, in all cases where the section or chapter so cited or referred to correctly sets forth and recites the original enactment.

SECTION 2. Nothing in this Act shall be construed to repeal or modify any existing law or statute defining an offense or imposing a punishment or otherwise which may not be contained in said compilation.

SECTION 3. This Act shall take effect from and after the date of its publication.

Approved this 3d day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 25.

**AN ACT RELATING TO AND CONCERNING VEHICLES, TIRES AND
WHEELS.**

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Every owner of a cart, dray, wagon, omnibus, stage coach, wagonette, or other vehicle used upon any public road and which shall have been brought into the Hawaiian Islands or the construction of which shall have been completed after the thirtieth day of June, A. D. 1898, the axles of which are one and one-half inches or more in diameter

shall have wheels, tires and axles proportioned as stated below:

PROPORTION OF TIRES AND AXLES.

In the case of one-horse dump carts, without springs, the width of wheel tire shall be at least one and one-half times the diameter of the axle.

In the case of all other vehicles without springs, the width of wheel tire shall be at least double the diameter of the axle except goose-neck drays in which case the width of tire on the front wheels need not be over one and one-half times the diameter of the axle.

In the case of vehicles with springs, the width of wheel tire shall be at least one and one-half times the diameter of the axle.

In the case of vehicles with wooden axles the width of wheel tire shall be at least the diameter of the axle.

Other styles of axle shall have tires of same width as those of equal carrying capacity above specified.

SECTION 2. The front and rear axles of all vehicles mentioned in this Act shall differ in length so that in progressing along a straight course the hind wheels shall not pass over the same ground passed over by the front wheels.

SECTION 3. Every person who uses upon any public highway or street in the Republic of Hawaii any cart, dray, omnibus, stage-coach, wagonette, wagon or other vehicle, the wheels of which wagon or vehicle have tires of a less width than specified for such kind of wagon or vehicle in Section 1, or whose axles do not conform to the provision of Section 2 of this Act, shall be guilty of a misdemeanor.

SECTION 4. From and after the first day of July, A. D.

1901, every owner or driver of a cart, wagon, omnibus, stage coach, wagonette or other vehicle used or driven upon any public street, road or highway, even though brought into the Hawaiian Islands or constructed previous to the thirtieth day of June, A. D. 1898, the wheels of which wagon or vehicle have tires of a less width than as specified and provided for such kind of wagon or vehicle in Section 1 of this Act, shall be guilty of a misdemeanor.

SECTION 5. Any person found guilty of a violation of any of the provisions of this Act shall be fined in the penal sum of not less than ten dollars nor more than twenty-five dollars.

SECTION 6. This Act shall become a law from and after the date of its publication.

We hereby certify that the foregoing bill, having previously passed the Legislature, was presented to the President for his signature and approval on the 22nd day of April, 1898, and that on the 9th day of May, 1898, more than ten days having elapsed since such presentation, the President of the Republic of Hawaii returned the same to the Legislature, neither signed nor vetoed, and that the Legislature had not adjourned sine die prior to the expiration of such ten days from the time of such presentation.

W. C. WILDER,
President of the Senate.

Attest:

GEORGE MANSON,
Clerk.

JOHN LOT KAULUKOU,
Speaker of the House of Representatives.

Attest:

JAS. N. K. KEOLA.
Clerk.

ACT 26.

AN ACT RELATING TO THE DUTY ON SPIRITUOUS LIQUORS, STILL WINES AND OTHER BEVERAGES MADE FROM MATERIALS OTHER THAN GRAPE JUICE; AND AMENDING SECTION 1 OF ACT OF THE SESSION LAWS OF 1896, RELATING THERETO.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 1 of Act 79 of the Session Laws of 1896 is hereby amended to read as follows:

“Section 1. That all spirituous liquors, all still wines and other beverages made from materials other than grape juice when imported into the Hawaiian Islands, shall, if containing nine per cent. and not more than seventeen per cent. of alcohol, be subject to pay a duty of sixty cents per gallon; if containing more than seventeen and not more than twenty-one per cent. of alcohol, shall be subject to pay a duty of one dollar per gallon; if containing more than twenty-one per cent. of alcohol, such liquor shall be subject to the duty by law provided for spirits of like grade.”

SECTION 2. This Act shall take effect from the date of publication.

Approved this 11th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 27.

AN ACT ALLOWING ALCOHOL, SPIRITUOUS LIQUORS AND WINES TO BE WITHDRAWN FOR THE SOLE USE OF THE QUEEN'S HOSPITAL FROM THE CUSTOM HOUSE IN HONOLULU, FREE OF DUTY.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. All alcohol, spirituous liquors and wines required for the sole and special use of the Queen's Hospital, shall upon the sworn certificate of the Secretary of the said Queen's Hospital that such alcohol, spirituous liquors and wines are for the use of the Queen's Hospital and for no other purpose, be withdrawn from the Custom House in Honolulu, free of all duty.

SECTION 2. During the months of January, April, July and October, in each year, a sworn statement shall be filed by the Secretary of the Queen's Hospital, with the Collector-General of Customs, showing the quantity of alcohol, spirituous liquors and wines used at said Hospital during the preceding quarter, and the quantity on hand on the first day of the month in which said statement is filed.

SECTION 3. In the event of no statement being filed by the Secretary as provided for in Section 2, no further alcohol, spirituous liquors or wines shall be allowed to be withdrawn until such statement is filed.

SECTION 4. This Act shall take effect from and after the date of its publication.

Approved this 11th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 28.

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAY-
ING THE EXPENSES OF THE SESSION OF THE LEGISLATURE
OF THE YEAR 1898, FROM THE PUBLIC TREASURY.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. There is hereby appropriated the further sum of Fifteen Thousand Dollars (\$15,000) from the Public Treasury for the purpose of defraying the expenses of the Session of the Legislature of the year 1898.

SECTION 2. This Act shall take effect and become a law from the date of its publication.

Approved this 11th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 29.

AN ACT TO CONVERT LAND AT KALIU AND MAKIKI, HONOLULU, INTO FREE PUBLIC RECREATION GROUNDS, AND TO MAINTAIN THE SAME AS SUCH UNDER THE SUPERVISION OF THE MINISTER OF THE INTERIOR.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The following properties situated at Kaliu and Makiki, Honolulu, are hereby declared and made Free Public Recreation Grounds, to wit:

All that land at Kaliu, Honolulu, bounded and described as follows:

Begin at the intersection of the North line of the Nuuanu embankment, and the East line of King street and run by the true meridian.

N. $1^{\circ} 11' 30''$ E. 313 feet, more or less, along the East side of King street.

N. 85° E. 486 feet, more or less, along the Frear and Allen lots.

S. $39^{\circ} 55' 30''$ E. 244 feet, more or less, along the makai side of Beretania Street Extension, thence by a curve to the right of radius 1010 feet along the Nuuanu Embankment, the direct bearing and length of chord being:

S. $72^{\circ} 30'$ W. 498 feet, more or less, to the end of curve;

S. $84^{\circ} 15'$ W. 174 feet, more or less, to the initial point. Area, 3 82-100 Acres. The same to be called "River Park."

Also all that land at Makiki, Honolulu, bounded and described as follows:

Begin at a stone post, marking the East corner of Keeaumoku and Kinau streets, and run by the true meridian:

N. 21° 12' E. 401.5 feet along Keeaumoku street;

S. 46° 25' E. 479.0 feet along Lunalilo street;

S. 43° 35' W. 238.0 feet along Makiki street;

N. 68° 48' W. 353.4 feet along Kinau street to the initial point. Area, 2 96-100 Acres. The same to be called "Makiki Park."

SECTION 2. The Minister of the Interior and his successors in office are hereby authorized and directed to convert all the property named in Section 1 of this Act in said Honolulu into Free and Public Recreation Grounds, and to maintain the same as such for the use and benefit of the Public.

SECTION 3. This Act shall take effect from the date of its publication.

Approved this 14th day of May A.D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 30.

AN ACT TO AMEND SECTIONS 17, 19 AND 29 OF ACT 20 OF THE
SESSION LAWS OF 1895 RELATING TO THE NATIONAL
GUARD OF HAWAII AND SHARPSHOOTERS.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 17 of Act 20 of the Session Laws of 1895 is hereby amended so as to read as follows:

"Section 17. All officers and soldiers of the National Guard, on becoming members and before performing duty, and at each subsequent re-enlistment, election or promotion, must take and subscribe to an oath as follows, which all commissioned officers thereof are empowered to administer:

"Oath for Officers. I do solemnly swear that I will support the Government of the Republic of Hawaii and that I will serve honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the Republic of Hawaii and the orders of the officers appointed over me, and will maintain and defend the laws until the authority of my commission as.....datedshall expire.

"Oath for enlisted men. I do solemnly swear that I will support the Government of the Republic of Hawaii and that I will serve honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the Republic of Hawaii and the orders of the officers appointed over me, and will maintain and defend the laws, and that I will serve in the National Guard of Hawaii as a soldier for the term of one year, provided that the Government should so long require my services."

Which oath, certified by the officer administering the same, must be returned to the regimental adjutant and be preserved with the rolls of companies. Oaths of re-enlistment shall show on the margin the number of the re-enlistment."

SECTION 2. Section 19 of Act 20 of the Session Laws of 1895 is hereby amended so as to read as follows:

"Section 19. Any enlisted man may be discharged before the expiration of his term of service by order of the commanding officer of the battalion or regiment, or on the recommendation of his company commander, or for any of the following

reasons: To accept promotion by commission; upon removal of residence out of the bounds of the command to which he belongs to so great a distance that, in the opinion of such commanding officer, he cannot properly perform his military duty; upon disability established by certificate of a medical officer. Or he may be dishonorably discharged for any of the following reasons: Upon conviction of felony in a civil court; by sentence of a court-martial."

SECTION 3. Sections 29 of Act 20 of the Session Laws of 1895 is hereby amended so as to read as follows:

"Section 29. All officers and enlisted men in the service of the Republic of Hawaii shall at all times be subject to trial by court-martial. And all crimes not capital, and all disorders and neglects to the prejudice of good order and military discipline, though not mentioned in Sections 27 and 28 of this Act, are to be taken cognizance of by a general, regimental or garrison court-martial, according to the nature and degree of the offense, and punished at the discretion of such court."

SECTION 4. This Act shall take effect from and after the date of its publication.

Approved this 14th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 31.

AN ACT TO REGULATE THE LAUNDERING OF CLOTHING, BED CLOTHING, NAPERY, TOWELS, AND OTHER ARTICLES OF LIKE CHARACTER.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. It shall be unlawful for any person to eject water or other fluid from his mouth upon any clothing, bed clothing, napery, towels or other articles of like character, in preparing the same for ironing or pressing or in ironing or pressing them.

SECTION 2. Any person so doing shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding ten dollars; and upon conviction of a subsequent offense shall be fined not exceeding twenty dollars.

SECTION 3. This Act shall take effect from the date of publication.

Approved this 14th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 32.

AN ACT TO AMEND SECTIONS 630, 631 AND 636 OF THE CIVIL
CODE RELATING TO THE REGISTRY OF VESSELS.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 630 of the Civil Code is hereby amended so as to read as follows:

“Section 630. No vessel shall be entitled to be registered as a vessel of the Republic of Hawaii or to be deemed an Hawaiian vessel or entitled to the privileges appertaining thereto unless said vessel shall be wholly owned by a citizen or citizens of the Republic or by an Hawaiian Corporation having had an office or place of business and carried on such business within the Republic for the two years immediately preceding such application for registry of such vessel.”

SECTION 2. Section 631 of the Civil Code is hereby amended so as to read as follows:

“Section 631. Upon a written application being made to the Collector-General of Customs, pursuant to the terms of the last preceding Section, which shall include the oath of the owner of the vessel sought to be registered, setting forth the name and description of the vessel, whether the same is domestic or foreign built, and if foreign built how acquired; that the affiant is a citizen of the Republic, and that there is no citizen or subject of any foreign Prince or State directly or indirectly by way of trust, confidence or otherwise interested in such vessel or in the profits or issues thereof. And in case the vessel is owned by an Hawaiian Corporation the oath of the President, Secretary or Treasurer, thereof, setting forth

the same facts as in the case of a single owner, and that no citizens or subjects of any foreign Prince or State except those who may be owners of such Capital Stock are directly or indirectly by way of trust, confidence or otherwise interested in such vessel or in the profits or issues thereof.

The Collector-General of Customs shall cause such vessel to be measured and her tonnage ascertained according to the mode hereinafter prescribed. Said application in case the vessel is foreign built shall be accompanied by the evidences of title. And the Collector-General shall not accept the evidence of title of any ship or vessel until the stamp duty thereon shall have been paid."

SECTION 3. Section 636 of the Civil Code is hereby amended so as to read as follows:

"Section 636. Upon the registration of any vessel, as provided in the last preceding Section, said Collector-General shall exact from the party applying for such registry, a bond with good and sufficient surety, to be approved by the Collector-General, in the penal sum of not less than Two Hundred Dollars, nor more than Two Thousand Dollars, as shall be graduated by the Collector-General in proportion to the tonnage of the vessel, conditioned that the certificate of such registry shall be solely used for the vessel for which it is granted, and shall not be sold, lent or otherwise disposed of, to any person whomsoever; and that in case said vessel shall become either wholly or in part, the property of any alien foreigner or foreigners, or if the subject or citizen of any foreign Prince or State shall become directly or indirectly by way of trust, confidence or otherwise interested in such vessel or the profits or issues thereof, except as limited by Section 631 in respect to corporations, then said vessel shall cease to be a Hawaiian vessel or in case she shall be lost, taken by an enemy, burnt or broken up, the said certificate of registry

shall be returned to the said Collector-General within six months after such change of ownership, loss, capture, burning or breaking up. Provided, however, that in case of capture, burning or loss, the obligers in such bond shall be exonerated from liability thereon, upon satisfactory proof to the Collector-General that such certificate of registry could not be preserved."

SECTION 4. This Act shall not affect the register of any vessel heretofore admitted to Hawaiian registry.

SECTION 5. This Act shall take effect from and after the date of its publication.

Approved this 16th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 33.

AN ACT AUTHORIZING THE ISSUING OF LICENSES TO ERECT,
MAINTAIN AND OPERATE STEAM LAUNDRIES IN THE DIS-
TRICT OF KONA, ISLAND OF OAHU.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The Minister of Interior with the approval of the Executive Council may issue to any person, partnership or corporation a License to erect, maintain and operate a Steam Laundry within the District of Kona, Island of Oahu,

upon such conditions as to location and otherwise as shall be set forth in the License.

SECTION 2. Said License shall not be issued except upon the Certificate of the Board of Health, setting forth that an agent of said Board has examined the location at which it is proposed to operate said Steam Laundry, and that the same is suitable for the purpose.

SECTION 3. The annual fee for said license shall be Fifty Dollars.

SECTION 4. Said Steam Laundries shall be subject to such regulations as to sanitation as may be prescribed from time to time by the Board of Health.

SECTION 5. This Act shall take effect from the date of publication.

Approved this 16th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 34.

AN ACT TO PROVIDE AGAINST THE ADULTERATION OF FOOD
AND DRUGS.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. That no person shall, within the Republic of Hawaii, manufacture, offer for sale, or sell any drug or arti-

cle of food which is adulterated, within the meaning of this Act.

SECTION 2. The term "drug," as used in this Act, shall include all drugs, medicines or medicinal preparations for internal or external use, antiseptics, antiseptic dressings, disinfectants and cosmetics. The term "food," as used herein, shall include all articles used for food or drink by man, whether simple, mixed or compound.

SECTION 3. An article shall be deemed to be adulterated within the meaning of this Act:

(a) In the case of drugs:

(1) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; (2) If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other Pharmacopœia, or other standard work on *materia medica*, it differs materially from the standard or strength, quality or purity laid down in such work; (3) If its strength, quality or purity falls below the professed standard under which it is sold; (4) If it contain any substance inimical or dangerous to life without the same being duly stated on the label or wrapper.

(b) In the case of food:

(1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity; (2) If any inferior or cheaper substance or substances have been substituted, wholly or in part, for it; (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) If it is an imitation of, or is sold under the name of another article; (5) If it consists, wholly or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable sub-

stance or article, whether manufactured or not—or, in the case of milk, if it is the produce of a diseased animal; (6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means, it is made to appear better or of greater value than it really is; (7) If it contains any added substance or ingredient which is poisonous or injurious to health, or any deleterious substance not a necessary ingredient in its manufacture: Provided that the provisions of this Act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures or compounds, and are not injurious to health, and contain no ingredient not necessary to the preparation of a genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated.

SECTION 4. Every person manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article of food, included in the provisions of this Act, shall furnish to the duly appointed Food Commissioner, upon demand, either personal or in writing, a sample sufficient for the analysis of any such drug or article of food which is in his possession.

SECTION 5. Whoever refuses to comply, upon demand, with the requirements of Section 4, and whoever violates any of the provisions of this Act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding one hundred, nor less than twenty-five dollars, or imprisoned at hard labor not exceeding one hundred nor less than thirty days, or both. And any person found guilty under the provisions of this Act, of manufacturing, offering for sale or selling an adulterated article of food, or drug, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary expenses incurred in inspecting and analyzing such

adulterated articles, of which said person may have been found guilty of manufacturing, selling or offering for sale.

SECTION 6. To carry out the provisions of this Act, the Board of Health shall appoint a duly qualified Food Commissioner and analyst, who shall receive such a salary as the Legislature shall from time to time appropriate and who shall furnish good and sufficient bonds of not less than Two Thousand Dollars, (\$2,000.00) for the proper and unprejudiced performance of his duties and who shall be provided by the Board of Health with the necessary chemical and microchemical apparatus, together with a proper office and laboratory for work.

SECTION 7. It shall be the duty of the Food Commissioner to carefully inquire into the quality of the several articles, which are foods or the necessary constituents of foods, manufactured or for sale, or sold or exposed for sale within the Republic of Hawaii, and he may in a lawful manner procure samples thereof, subject the same to careful examination and report the result of such analysis of all or any of such food and drink products, or dairy products, as are adulterated, impure or unwholesome, in contravention of the laws of the Republic of Hawaii, to the Board of Health, and it shall be the duty of the Food Commissioner, with the consent of said Board of Health, to make complaint, with the necessary evidence, through the proper authorities against such manufacturer or vendor.

SECTION 8. The Food Commissioner, with the consent and sanction of the Board of Health, shall have power in the performance of his duties, to enter into any creamery, factory, store, salesroom, storageroom, drug store or laboratory, or any place where he has reason to believe food or drink are made, prepared, sold or offered for sale, and to open any cask,

tub, jar, tin, bottle, case or package containing or supposed to contain any article of food or drink and examine or cause to be examined the contents thereof, and take therefrom samples for analysis.

SECTION 9. The Food Commissioner shall make a monthly report in writing to the President of the Board of Health containing the results of inspection and analysis in detail; and upon the request of the said Board he shall furnish for publication a popular explanation of the same covering any month or period, together with any such other information, as may come to him in his official capacity relating to the adulteration of drugs and food and drink products, so far as the same may be deemed by said Board of Health to be of benefit and advantage to the public.

SECTION 10. The Food Commissioner shall investigate complaints on the information of any person, who shall lay before him satisfactory evidence of the same.

SECTION 11. Jurisdiction is hereby conferred upon all District Magistrates to hear and determine all cases arising under this Act.

SECTION 12. This Act shall take effect and be in force from and after its publication.

Approved this 16th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 35.

AN ACT TO PROHIBIT THE IMPORTATION, SALE, GIVING OR FURNISHING OF FOREIGN GOODS, WARES OR MERCHANDISE STAMPED, MARKED, BRANDED, WRAPPED OR BOXED IN SUCH MANNER AS TO INDUCE ANY PERSON TO BELIEVE THAT THE SAME WERE GROWN, PRODUCED OR MANUFACTURED IN WHOLE OR IN PART IN THE REPUBLIC OF HAWAII.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The importation into the Republic of Hawaii of any foreign goods, wares or merchandise, stamped, marked, branded, wrapped or boxed in such manner as to induce any person to believe that such goods, wares or merchandise were grown, produced or manufactured in whole or in part in the Republic of Hawaii, is hereby strictly prohibited; and whoever shall import, sell, give or furnish or cause to be imported, sold, given or furnished any foreign goods, wares or merchandise, stamped, marked, branded, wrapped or boxed in such manner as to induce any person to believe that such goods, wares or merchandise were grown, produced or manufactured in whole or in part in the Republic of Hawaii, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not more than Five Hundred Dollars, or imprisoned at hard labor for not more than six months in the discretion of the District Magistrate.

SECTION 2. This Act shall take effect and be in force from the date of its publication.

Approved this 16th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 36.

AN ACT RELATING TO NOTICE OF INCREASE OF ASSESSMENT AND TO AMEND SECTION 51 OF ACT 51 OF THE SESSION LAWS OF 1896, BEING "AN ACT RELATING TO INTERNAL TAXES, AND TO REPEAL CHAPTER 61 OF THE SESSION LAWS OF 1892, RELATIVE THERETO."

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. That Section 51 of Act 51 of the Session Laws of 1896, be and the same is hereby amended so as to read as follows:

"Section 51. In case any Assessor shall raise the valuation of any property above the value stated in the assessment return herein provided for, or shall refuse to allow a claim for exemption, such Assessor shall on or before the first day of July in each year, send a written or printed notice by depositing the same in the Post Office, postage prepaid, addressed to the last known place of residence of the person making the return or claiming the exemption, describing the property the valuation of which has been so raised, and stating the proposed assessment thereof, or stating the exemption refused, as the case may be."

SECTION 2. This Act shall take effect and become law from the date of its publication.

Approved this 16th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 37.

AN ACT RELATING TO CLAIMS AGAINST THE ESTATES OF DECEASED PERSONS AND LIMITING THE TIME WITHIN WHICH SUITS THEREON SHALL BE COMMENCED; AND REPEALING SECTION 1247 OF THE CIVIL CODE, AN ACT ENTITLED "AN ACT TO LIMIT THE TIME WITHIN WHICH CLAIMS OF CREDITORS AGAINST THE ESTATES OF DECEASED PERSONS SHALL BE PRESENTED AND SUITS BE COMMENCED TO ENFORCE REJECTED CLAIMS; AND AMEND SECTION 1247 OF THE CIVIL CODE," APPROVED ON THE 23RD DAY OF JUNE, 1868, AND CHAPTER X OF THE SESSION LAWS OF 1876 AMENDATORY THEREOF.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Immediately after the appointment of any executor or administrator of any estate, he shall advertise in such newspaper or newspapers as the court shall direct, for as long a time as the court may order, at least once a week for four weeks, a notice to all creditors of the deceased to present their claims, duly authenticated and with proper vouchers, if any exist, even if the claim is secured by mortgage upon real estate, to him, either at his residence or place of business, within six months from the day of such publication. And if such claims be not presented within six months from the first publication of the notice, or within six months from the day they fall due they shall be forever barred, and the executor or administrator shall not be authorized to pay them.

SECTION 2. If any claim be rejected by the executor or

administrator he shall give written notice of such rejection to the creditor, and suit must be brought upon it against the executor or administrator within two months after such notice is given, or within two months after the same becomes due, or it will be forever barred.

SECTION 3. Executors and administrators shall in no case be liable to suit until the expiration of six calendar months after probate, or the granting of letters of administration, except in cases of rejected claims as provided in Section 2 of this Act.

SECTION 4. It shall not be lawful to allow any claim that is barred by the Statute of Limitations of this Republic.

SECTION 5. Section 1247 of the Civil Code, an Act entitled "An Act to limit the time within which claims of creditors against the estates of deceased persons shall be presented and suits be commenced to enforce rejected claims; and amend Section 1247 of the Civil Code," approved on the 23rd day of June, 1868, and Chapter 10 of the Session Laws of 1876, are hereby repealed.

SECTION 6. This Act shall take effect from and after its publication.

Approved this 16th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 38.

AN ACT RELATING TO CERTAIN LICENSES, AND TO AMEND SECTIONS 9 AND 12 (RELATING TO ALCOHOL), SECTION 23 (RELATING TO AWA), SECTION 50 (RELATING TO THE SELLING OF BEEF), SECTION 54 (RELATING TO THE SELLING OF PORK), SECTIONS 59, 60, 62 AND 63 (RELATING TO FIREARMS), SECTIONS 70 AND 73 (RELATING TO LODGING OR TENEMENT HOUSES, HOTELS, BOARDING HOUSES AND RESTAURANTS), SECTION 96 (RELATING TO TOBACCO, CIGARS AND CIGARETTES), SECTION 97 (RELATING TO VEHICLES AND DRIVERS), OF ACT 64 OF THE SESSION LAWS OF 1896, RELATING TO LICENSES, APPROVED JUNE 12TH, A. D. 1896, AND TO ADD A NEW SECTION TO SAID ACT, TO BE CALLED SECTION 24A (RELATING TO THE SELLING OF AWA), AND TO AMEND SECTION 2 OF CHAPTER 65 OF THE SESSION LAWS OF 1890 (RELATING TO THE IMPORTATION OF LIVE STOCK INTENDED FOR SALE), AND TO ADD A NEW SECTION TO CHAPTER 65 OF THE SESSION LAWS OF 1890 TO BE CALLED SECTION 3A (RELATING TO LIVE STOCK).

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Sections 9, 12, 23, 50, 54, 59, 60, 62, 63, 70, 73, 96 and 97 of Act 64 of the Session Laws of 1896, relating to Licenses, approved June 12th, A. D. 1896, are hereby amended so as to read as follows:

“Section 9. The Minister of the Interior is hereby authorized to grant to any holder of a license to import and sell poisonous drugs, a license to sell methylated spirits and alcohol. The annual fee for such license shall be the sum of Fifty Dollars.”

"Section 12. The Collector-General of Customs is hereby authorized to permit any holder of a license herein provided for, to withdraw not more than 200 gallons of alcohol in any one year from the date of the license, from the Custom House, upon the payment of Three Dollars per gallon duty.

"Provided, however, that the 200 gallons so to be withdrawn shall only be used by said licensee for medicinal purposes, or for sale to duly licensed physicians.

"And further provided, that all alcohol in excess of said 200 gallons that may be so withdrawn by said licensee, shall pay a full spirit duty, according to its strength, as provided by law for spirits of like strength."

"Section 23. In case of such forfeiture, the license shall be again advertised, and after reasonable notice, again sold at public auction, at the upset price provided for in the District for which it is to be granted."

"Section 50. The annual fee for a license to sell beef in each taxation district shall be Ten Dollars."

"Section 54. The annual fee for a license to sell pork in each taxation district shall be Ten Dollars."

"Section 59. Except as hereinafter otherwise provided, the annual fee for a license to own or possess a pistol, rifle, carbine, shotgun or other fire-arm, shall be One Dollar for each such fire-arm."

"Section 60. Except as hereinafter provided, no fire-arms shall be owned or possessed in the Republic without a license issued under this Act."

"Section 62. Any person may obtain a license free of charge to possess a shotgun for exclusive use in any agricultural enterprise for the purpose of destroying or scaring away birds and such pests as mongoose and rabbits that may be injurious to any crop, but in order to secure such license they shall produce to the Minister a statement from the Marshal

or Deputy Marshal, any Sheriff or Deputy Sheriff, which statement shall be furnished by the Marshal or Deputy Marshal, Sheriff or Deputy Sheriff free of charge, certifying that such shotgun is to be so exclusively used."

"Nothing herein contained shall require a license to be taken out for any single-barrel muzzle-loading shotgun in actual use on any rice plantation for the purpose of scaring away birds from the rice fields."

"Section 63. All members in good and regular standing of the police force, of the Citizens' Guard, or of any legally authorized military organization, shall be licensed free of charge to possess, carry or use fire-arms when on duty or for target practice, but in order to secure such license they shall produce to the Minister a certificate from the Commanding Officer of the organization to which they belong, certifying to such membership and to the description of such fire-arm or fire-arms.

"Every such license shall hold good during the term of membership in good standing in such organization, and upon the termination of such membership the license shall be cancelled by the Commanding Officer and returned to the Minister of the Interior."

"Section 70. No license shall be issued for a Lodging or Tenement House, Hotel, Boarding House or Restaurant, until the applicant shall secure from the Board of Health and present to the Minister a certificate setting forth that an Agent of the Board has examined the house or houses, proposed to be used for such purposes, with a description thereof sufficient to identify and locate the same; and that the same are in good sanitary condition and suitable to be used for such purposes; and (if the application is for a license for a Lodging or Tenement House, Hotel or Boarding House), stating the number of persons who, by law, can be lodged therein."

"And further that no license shall be issued for any Lodging or Tenement House, Hotel, Boarding House or Restaurant to

be established or maintained in any location which in the opinion of the Executive Council is unsuited for the purpose, or which the Executive Council believes to be objectionable.”

“Section 73. Nothing in this Act contained shall be construed to prevent a private family from incidentally taking not more than seven boarders or lodgers without taking out a license hereunder.”

“Section 96. The annual fee for a license to sell Tobacco, Cigars and Cigarettes shall be Ten Dollars. The payment of this fee shall exempt the holder of a license to keep a Hotel, Boarding House or Restaurant from the payment of a fee for a merchandise license in case the licensee is not a dealer in merchandise other than Tobacco, Cigars and Cigarettes; but shall not be construed to exempt the holder from the payment of a fee for a merchandise license, as provided by Section 75 of this Act, in case the licensee is a dealer in merchandise other than Tobacco, Cigars and Cigarettes.”

“Section 97. The annual fee for a license to carry freight or baggage for hire or compensation in the Districts of Honolulu, Wailuku, Lahaina and Hilo, on any Dray, Cart, Wagon or other vehicle other than a hand-cart, shall be Two and a half Dollars for each vehicle so used.

“The annual fee for a license to drive any licensed vehicle shall be One Dollar; and such license shall permit the licensee to drive any vehicle licensed under this Section.”

SECTION 2. A new section is hereby added to Act 64 of the Session Laws of 1896, relating to Licenses, to be called Section 24A (relating to the selling of Awa), as follows:

“Section 24A. Any person who shall sell Awa without a license shall be fined not less than Fifty nor more than One Hundred Dollars.”

SECTION 3. Section 2 of Chapter 65 of the Session Laws of 1890 relating to the regulation of the importation of live

stock intended for sale is hereby amended so as to read as follows:

“Section 2. Every dealer in live stock brought into this Republic for sale, shall pay to the Minister of the Interior, a license fee of Two Hundred Dollars. This license fee shall not apply to any resident importing for his own use, or for breeding purposes; but all animals so imported shall be subject to the quarantine laws of the Republic.”

SECTION 4. A new section is hereby added to Chapter 65 of the Session Laws of 1890 relating to the regulation of the importation of Live Stock intended for sale, to be called Section 3A as follows:

“Section 3A. Any dealer in live stock bringing live stock into this Republic for sale by order or by importation for gain who shall offer said stock for sale without having first obtained a license as in this Act provided, shall be fined not less than Two Hundred nor more than Five Hundred Dollars.”

Approved this 18th day of May, A. D. 1898.

SANFORD B. DOLE.

President of the Republic of Hawaii.

ACT 39.

AN ACT CREATING AN AUDITOR-GENERAL'S DEPARTMENT AND TO FURTHER REGULATE THE RECEIPT, CUSTODY AND DISBURSEMENT OF PUBLIC MONEYS, AND PROVIDE FOR THE SUPERVISION OF PUBLIC ACCOUNTANTS AND AUDIT OF PUBLIC ACCOUNTS, AND REPEALING AN ACT ENTITLED "AN ACT TO REGULATE THE RECEIPT, CUSTODY AND ISSUE OF PUBLIC MONEYS AND TO PROVIDE FOR THE AUDIT OF PUBLIC AC-

COUNTS," APPROVED THE FOURTH DAY OF AUGUST, A. D. 1882, AND CHAPTER 75 OF THE SESSION LAWS OF 1892, CHAPTER 23 OF THE SESSION LAWS OF 1882 AS AMENDED BY CHAPTER 75 OF THE SESSION LAWS OF 1892, ENTITLED "AN ACT TO REGULATE THE RECEIPT, CUSTODY AND ISSUE OF THE PUBLIC MONEYS, AND TO PROVIDE FOR THE AUDIT OF PUBLIC ACCOUNTS."

Be it enacted by the Legislature of the Republic of Hawaii:

PART I.

AUDITOR-GENERAL, DEPUTY AUDITOR-GENERAL, APPOINTMENT, OATH, TERM OF OFFICE, OFFICE HOURS, BOND AND REMOVAL.

SECTION 1. AS soon as practicable after the approval of this Act, the President, with the approval of the Senate, shall appoint an Auditor-General, who shall hold office during good behavior; provided however, that he may be removed or suspended from office as provided in Section 8 of this Act.

SECTION 2. There shall be appointed by the President, on the nomination of the Auditor-General, and with the approval of the Cabinet, a Deputy Auditor-General, who shall hold office for a term of four years or until his successor is appointed and qualified, unless otherwise removed or suspended as provided in this Act.

SECTION 3. The Auditor-General and Deputy Auditor-General, shall, before entering upon the duties or exercising the powers vested in them by this Act, make and subscribe before one of the Judges of the Supreme Court, an oath of office or declaration in the form of Schedule A, hereto annexed, and every such oath or declaration shall be kept among the records of said Court.

SECTION 4. The Auditor-General and Deputy Auditor-General shall not use, exercise or follow any other profession or

employment whatsoever during their term of office, and they shall be paid such annual salary as the Legislature may appropriate.

SECTION 5. In case of the illness, absence or suspension of the Auditor-General, the Deputy Auditor-General shall exercise the powers and perform the duties of the Auditor-General.

SECTION 6. The Auditor-General shall have an office in the Executive Building of the Republic, and he or his deputy shall be in said office daily during his business hours, which shall be from 9 o'clock A. M. to 4 o'clock P. M. on every day except Saturdays, when his business hours shall be from 9 o'clock A. M. to 12 o'clock M., and further excepting Sundays and all legal holidays.

SECTION 7. The Auditor-General and Deputy Auditor-General shall each give a bond for the faithful performance of their official duties, of an amount and in a form as the Executive Council may require and direct.

SECTION 8. The Auditor-General and Deputy Auditor-General may be suspended or removed from office at any time by the Executive Council for incompetence, misbehavior, abuse of authority, mal-administration of office, or failure to perform the duties of the office for more than thirty days. Any vacancy occurring through death, resignation, removal or suspension shall be filled by appointment of the President as prescribed in Sections 1 and 2 of this Act.

PART 2.

POWERS, WARRANTS, DUTIES, BOOKS AND REPORTS.

SECTION 9. The Auditor-General shall be the general accountant of the Republic, and it shall be his duty to audit and cause to be recorded every receipt and disbursement of

money made to, by or through the Public Treasury; and he shall have complete supervision of all Government accounts; and further, he shall have the power, by withholding his approval when necessary, to prevent the misappropriation of public funds, as well as the disbursement of public moneys in excess of specific appropriations.

SECTION 10. The Auditor-General shall have power, with the approval of the Minister of Finance, to establish throughout all departments and bureaus of the Government a clear, methodical and uniform system of public accounting and to enforce the said system; and further, it shall be the duty of the Auditor-General to make from time to time systematic and thorough inspection of the accounts of all Public Accountants, and make record of such inspection, for the purpose of establishing and continuing said uniform system of keeping said accounts, and enforcing the same.

SECTION 11. For all moneys paid into the Treasury there shall be made and signed two receipts for said money which shall be alike, excepting that upon the face of one of them shall appear the word "original," and on the other the word "duplicate." Said receipts shall specify the amount, and from what person or officer received, and into what fund or what account deposited. On the stub of such receipt shall be entered a memorandum of the contents thereof, and the Minister of Finance shall deliver both such receipts to the person or official paying said money into the Treasury. Such officer or person shall forthwith present both receipts to the Auditor-General, who shall countersign the original receipt and file the duplicate, after writing upon its face the day of its delivery to him, and charging the Minister of Finance with the amount specified therein, and crediting the fund or account named thereon.

No such receipt shall be considered valid or binding as against the Hawaiian Government unless so countersigned as hereinbefore provided.

SECTION 11B. Excepting moneys paid for the redemption of bonds of the National Debt, and the interest coupons of the same, and for interest on overdue warrants, and drafts against Special Deposits and for Expenses of the Legislature; no money shall be drawn from or out of the Treasury except upon warrants substantially in the form of Schedule "B" hereto annexed, issued from the Auditor-General's office. Every such warrant shall be signed by the Auditor-General or his Deputy, and shall be made payable upon such date as may be approved by the Minister of Finance to the order of the person or persons to whom the Government is directly indebted.

SECTION 11C. All warrants for permanent settlements, stated and all other salaries, excepting that of the Auditor-General and Deputy Auditor-General, shall be drawn by the Auditor-General, payable to each individual to whom the Government is directly indebted, except as provided for in Section 11G, and the warrants shall be receipted therefor. No permanent settlements nor salary warrants shall be paid by the Minister of Finance until the person in whose favor said warrant is drawn shall have endorsed his or her signature thereon.

The salaries of the Auditor-General and Deputy Auditor-General shall be paid by the Minister of Finance when due as hereinbefore provided; upon warrants approved by the President.

SECTION 11D. Warrants for pay-rolls of mechanics and laborers, or others temporarily employed, may be drawn in

advance and before the wages as shown by the said pay-rolls shall have been receipted for by said mechanics, laborers and others, but in every such case such pay-rolls shall have endorsed thereon the approval of the Minister in whose department the liability, or expense, has been incurred, and also the appropriation to which it is chargeable, and it shall also be specially certified to by the officer directly incurring the expense, that the services charged for have been faithfully performed; and further, the Auditor-General shall take a receipt from the disbursing officer in whose favor such warrant for said pay-rolls has been drawn, and shall retain said receipt until said pay-rolls shall have been properly receipted and returned to him, and under no circumstances shall the Auditor-General hold more than one such receipt from the same disbursing officer for pay-rolls under the same item of appropriation.

SECTION 11E. Warrants for bills of material, supplies and incidentals of every kind and character whatsoever, shall be made payable to the order of each individual party to whom the Government is indebted, except as provided in Section 11G, and only after a detailed statement of all such bills shall have been presented to the Auditor-General accompanied by all original vouchers. Said statement shall have endorsed thereon the approval of the Minister in whose department the liability or expense has been incurred, and the appropriation to which it is chargeable; and further, each original voucher shall be specially certified to by the subordinate officer of the Government directly incurring such liability or expense, and that all such materials, supplies and incidentals have been received in good order and condition.

SECTION 11F. All warrants for bills on account of Government contracts either as a whole or in part, shall be made

payable to the order of the party or parties to whom the Government is directly indebted, except as provided in Section 11G, and only after all such bills shall have endorsed thereon the approval of the Minister in whose department such contracts shall have been made, and also specially certified to by the subordinate officer of the Government supervising the work performed, or receiving the materials and supplies as specified in said contracts, that the work has been faithfully performed and that the materials and supplies were in a good and merchantable condition when received; and no such warrant shall be issued unless a copy of such contract or bid shall have been filed with the Auditor-General, together with a statement by the head of the department or bureau that made such contract or accepted such bid, naming the appropriation to which such contract or bid is to be chargeable.

SECTION 11G. In case the individual party to whom the Government is directly indebted, shall indicate in writing over his signature on the back of his bill or receipt, the name of any person to whose order he may wish the amount of said bill paid, it shall be lawful for the Auditor-General to draw the warrant for such amount payable to the order of the person so indicated.

SECTION 12. The Auditor-General shall keep a complete set of double-entry books in which he shall open or cause to be opened, all Government accounts, and for the several amounts as shown by the appropriation bill, or any other appropriation that may be at any time made, by the Legislature or Council of State, and he shall record his daily business transactions in detail therein. He shall also keep a Ledger in which he shall open, arrange and keep in a methodical and systematic manner the various Government accounts, so that the status and condition of any appropriation and the receipts and dis-

bursements of the Government may at any time be ascertained and known; and further, he shall keep books to be known as the "Warrant Books" of different colored paper or designs for each separate department and bureau, each containing warrants to be numbered from one up to the number required for the current biennial period, and in the form as shown in Schedule "B" hereto annexed, and all such other auxiliary books as he may deem necessary for a correct and proper administration of his office. He shall also keep on file in a convenient form for easy reference, all bills and vouchers for which warrants have been drawn by him, and said bills and vouchers shall have endorsed thereon the number of the warrant by which they were paid, the date of the warrant, the appropriation to which they were debited, and the amount.

SECTION 13. The Auditor-General shall send, or cause to be sent to the Minister of Finance at or before the end of each day on which the audit office is open for business, or oftener if deemed best, a statement of all warrants drawn by him upon the Treasury during the day in the form of Schedule "C" hereto annexed.

SECTION 14. The Auditor-General upon receipt by him of the returns required to be furnished by public accountants receiving or collecting moneys as hereinafter provided, shall examine and compare the same with the cash receipts and with the accompanying vouchers and documents, if any, and shall allow and discharge every public accountant for all sums shown to have been by him respectively received or collected and duly paid into the Treasury, and shall disallow and surcharge such public accountant for all sums wilfully or negligently omitted to be received or collected by him, which under any law or regulation it was his duty to receive or collect, and all sums not only duly paid in by him to the credit

of the proper head of receipts in said office, and all such unsatisfied surcharges shall be by him enforced against said public accountant.

SECTION 15. In the examination of all Government accounts and statements, and all other documents produced as vouchers, or as subordinate vouchers, the Auditor-General shall make such queries and observations addressed to public accountants, officers certifying accounts, or persons in any way concerned with the receipt or disbursement of the moneys or funds referred to in this Act, and shall call for such further accounts, vouchers, statements and explanations as he may think necessary, and after such queries and observations have been answered, and after such further accounts and explanations have been rendered, the Auditor-General shall disallow and surcharge all sums not duly credited to the proper fund and paid into the Treasury, and shall disallow and surcharge all sums disbursed in excess or not duly vouched and authorized, against such public accountant, officers certifying accounts, or other persons through whose default such surcharges have arisen, and until such failure shall have been made good to the satisfaction of the Auditor-General, all salary or other moneys that may be due and payable to such public accountant or other person shall be withheld.

SECTION 16. In case of any question or difference of opinion arising between the Auditor-General and any Minister of the Government regarding the proper appropriation to which any item or amount of expense shall be charged, or any other matter regarding the construction of this Act or the authority vested in either of them by said Act, and in all cases where a sum of money shall be disallowed by the Auditor-General in consequence of the absence of a written voucher, or upon an imperfect voucher or an incorrect cer-

tificate, or if any person or public accountant feel aggrieved by any decision of the Auditor-General, in the rejection or the surcharge of the returns or refusal to approve or allow any demand presented by such public accountant or person, any of the parties concerned may appeal from such decision to the Justices of the Supreme Court, who after such investigation as shall by them be considered equitable, may make such order directing the relief of the appellant in whole or in part as shall appear to the said Justices to be just and reasonable, and the decision of the said Justices shall be final and binding upon all parties, and they shall govern themselves accordingly. If the demand of the Ministers, bill, claim of any person, or the return of any public accountant be approved, in whole or in part by the said Justices, they shall so endorse their findings on the same and it shall thereafter be presented to the Auditor-General, who shall enter it in the proper book in like manner as other demands and an endorsement must be made by the Auditor-General of its having been so entered before it can be paid.

SECTION 17. The Auditor-General shall not recognize any claim of whatsoever nature unless a written statement or voucher be presented for the same. No warrant shall be issued in payment for any claim except upon proper endorsement of such voucher, notwithstanding any allegation of papers having been lost or destroyed, or of the impossibility of obtaining the prescribed voucher, so that it could not reasonably be obtained, except on application to one of the Justices of the Supreme Court at Chambers, who, after summoning the Auditor-General, and such other persons as he may think fit, may, upon evidence satisfactory to him that the requisite papers have been lost or destroyed, or that it is impossible or impracticable to procure them, prescribe a form of voucher, which, bearing the approval of such Justice shall

then be received by the Auditor-General and filed as hereinbefore provided; and all such substitute vouchers shall be considered binding on the Government and all other parties.

SECTION 18. When a voucher produced for a sum of money disbursed shall be defective from the want of any certificate or other document which ought to have accompanied it, it shall be lawful for the Auditor-General, upon proof being made to his satisfaction that the public accountant did not wilfully neglect to procure such certificate or document, and that the sum specified in the voucher has been actually and properly disbursed, to admit such voucher as sufficient discharge of the said public accountant, and to allow the amount of same to his credit.

SECTION 19. The Auditor-General shall publish in some newspaper or newspapers printed in the Republic in the English or Hawaiian language Monthly and Annual Comparative Statements of the finances of the Hawaiian Government.

SECTION 20. The Auditor-General shall make an annual report to the President and biennial report to the Legislature. It shall be lawful for the Auditor-General in such yearly report, or in any special report which he may at any time think fit to make, to recommend any plans and suggestions that he may think fit or worthy of adoption for the better collection, custody and payment of the public moneys and the more economically auditing and examining the public accounts, and any improvements in the mode of keeping such accounts that may at any time be brought to his notice, and generally to report upon all matters relating to public accounts.

SECTION 21. The Auditor-General is hereby authorized and empowered by precept under his hand in the form contained

in Schedule "D," hereto annexed, to require all such persons as he may think fit to appear personally before him at any time and place to be named in such precept, and to produce to him all such accounts, books and papers in the possession or control of such persons as shall appear to be necessary for the purpose of their examination. It shall also be lawful for the Auditor-General when he shall so occasion, to cause search to be made and extracts to be taken from any book, paper or record in the custody of any public officer without paying any fee for the same; and it shall be the duty of every officer having the custody of any such book, paper or record to make such search and furnish such extracts as thereto requested.

SECTION 22. The Auditor-General is hereby authorized and required to examine upon oath (which oath he is hereby empowered to administer) all persons whom he shall think fit to examine touching the receipts and expenditures of money, and touching all other things and matters necessary for the due execution of the powers vested in him by this Act.

SECTION 23. The Auditor-General shall keep in his office in a convenient form for easy reference, a correct list of all Government permanent settlements, specific salaries, pay-rolls, subsidies, rents, contracts and all bids for material and supplies, and prices current wholesale and retail of same; and in auditing all bills for service rendered or merchandise supplied, or other bills against the Government, he shall compare all rates and prices charged with the list aforesaid, and strike out or surcharge all amounts in excess of the current rates and prices, as shown by the said list, or that in his judgment are excessive.

SECTION 24. The Auditor-General shall perform such other duties pertaining to his office as the Legislature may require or direct.

SECTION 25. The Minister of Finance shall keep in his office a cash book in which shall be entered up all sums received and

paid out of the Treasury on account of the several departments and bureaus of the Republic.

SECTION 26. Every lawful demand upon the Treasury, duly audited as hereinbefore provided, shall in all cases be paid upon the date authorized by the Minister of Finance and enforced thereon if there be sufficient funds at that time in the Treasury applicable to the payment of such demand; and upon payment all warrants shall be cancelled and proper entry be made thereof, but if there be not sufficient moneys so applicable then such warrant shall be registered in a book kept for that purpose by the Minister of Finance.

Such register shall show the number of the warrant, by whom presented, the date, amount, name of original payee, and on what account allowed. Upon being so registered, it shall be returned to the party presenting it with the endorsement of the word "registered," dated and signed by the Minister of Finance, and such registered warrant shall be entitled to, and draw interest from the date of registration until paid at the rate of five per cent. per annum; but the registration of any such demand shall not operate in any manner to recognize or make valid such demand if obtained in contravention to any law or through any error.

SECTION 27. Warrants shall be paid by the Minister of Finance as far as practicable in the order of their number and date of issue, and whenever in his judgment there are sufficient funds in the Treasury, he shall issue a call for outstanding registered warrants in the order of their numbering and date of issue. Such call shall be made by publication for one week in two or more daily newspapers in Honolulu published in the English and Hawaiian languages, and interest shall cease upon all such called warrants ten days after the publication of the first notice.

SECTION 28. Unless otherwise provided by law all sums of money which shall be appropriated to the public service for

any biennial period, and which shall not be expended during such period, shall lapse, and shall not be issued or applied in any future biennial period to the particular service for which the appropriation shall have been so made, unless a contract or engagement shall have been made and entered into before the expiration of such biennial period by which a liability so to issue or apply the same shall have been incurred, and a certified copy of which contract or engagement shall have been deposited with the Auditor-General.

PART 3.

PUBLIC ACCOUNTANTS AND ACCOUNTING FOR THE COLLECTION AND PAYMENT OF PUBLIC MONEYS.

SECTION 29. All persons who, by any law, regulation or appointment are now, or shall hereafter, be charged with the duty of collecting or receiving revenue or other moneys on account of the Hawaiian Government, or with the duty of disbursing moneys on account of the public service shall become and be "Public Accountants," and shall perform all such duties and render such accounts as this Act prescribes, and as the Minister of Finance and Auditor-General shall from time to time direct.

SECTION 30. Every such public accountant collecting or receiving revenue or other moneys aforesaid in Honolulu shall pay weekly, or at such times as may be otherwise specially appointed, into the Treasury all sums of money collected or received by him on account of the revenue or otherwise as aforesaid, accompanied by vouchers bearing his signature, and which such sum shall have been collected or received, and unless otherwise specially directed, shall not later than the tenth day after the expiration of each month, transmit to the Auditor-General a return in the form contained in Schedule "E," hereto annexed with such particulars in each case as may be required by the Auditor-General, of all moneys collected or received by him during the preceding month, and shall make

and subscribe to an oath in the form prescribed in this schedule.

SECTION 31. Every such public accountant collecting or receiving revenue or other moneys as aforesaid out of Honolulu shall transmit or pay monthly or at such times as may be otherwise specially appointed into the Treasury all sums of money collected or received by him on account of the revenue or otherwise as aforesaid, accompanied by vouchers bearing his signature, and containing a full and accurate description of the services for which such sums shall have been collected or received, and unless otherwise specially directed shall on or before the fourteenth day after the expiration of each month transmit to the Auditor-General, by post or otherwise, a return in the form contained in Schedule "E" to this Act, with such particulars in each case as may be required by the Auditor-General, of all moneys collected or received by him during the preceding month, and shall make and subscribe to an oath in the form prescribed in such Schedule.

SECTION 32. On the death, resignation or removal of any such public accountant the balance of public moneys remaining in his hands shall, upon the appointment of his successor, unless otherwise directed by law, vest in such successor, and shall not in the event of death of any public accountant constitute assets of the deceased or be in any manner subject to the control of his legal representative.

PART 4.

MISCELLANEOUS PROVISIONS.

SECTION 33. The Auditor-General, by and with the approval of the Executive Council, is hereby authorized to make and publish such regulations not inconsistent with this Act as may be found necessary to carry out the object and provisions of this Act, and for the more effectual record, check, and audit of all receipts and disbursements of public moneys; and

such regulations shall, after publication in one or more newspapers printed and published in Honolulu, have the force and effect of a statute law.

SECTION 34. Any public accountant or person who shall fail or neglect to conform to any of the regulations contained in this Act, or to attend the said Auditor-General for the purpose of being examined or to produce any accounts, books, vouchers or other documents or to answer any other lawful question when required so to do by the said Auditor-General, shall be liable to a penalty of not less than twenty-five dollars, nor more than one hundred dollars, on conviction before any district magistrate.

SECTION 35. If any person shall, in the course of his examination before the said Auditor-General, wilfully and corruptly give false evidence, such person so offending shall incur the same penalties as are or may be provided against persons convicted of perjury.

SECTION 36. An Act entitled, "An Act to regulate the receipt, custody and issue of public moneys and to provide for the audit of public accounts," approved the fourth day of August, A. D. 1882, and Chapter 75 of the Session Laws of 1892 are hereby repealed.

SECTION 37. This Act shall take effect and become a law on the first day of July, A. D. 1898.

Approved this 24th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

SCHEDULE "A."

I,, do solemnly swear that according to the best of my skill and ability, I will faithfully,

impartially and truly execute the office and perform the duties of Auditor-General (or Deputy Auditor-General).

Signature:

.....

SCHEDULE "B."

TREASURY WARRANT.

Office of the Auditor-General,

Honolulu, H. I.,, 189..

On the.....day of.....189.., please pay to the order of.....the sum of.....Dollars, for and charge the same to.....

.....

Auditor-General.

To the Minister of Finance, Honolulu, H. I.

SCHEDULE "C."

Office of the Auditor-General,

Honolulu, H. I.,, 189..

To the Minister of Finance, Honolulu, H. I.:

Dear Sir:—I beg to hand you herewith a statement of warrants drawn upon the Treasury since my last advices, as follows:

Date.	Number.	Appropriation.	To Whom Payable.	Amount.
-------	---------	----------------	------------------	---------

.....

Auditor-General.

SCHEDULE "D."

To.....

By virtue of the authority vested in me by an Act entitled "An Act Creating an Auditor-General's Department, &c., &c.," you are hereby required to appear before me at..... on....., and to bring with you for the purpose of examination a certain book (or as the case may be) and to be examined by and before me touching and concerning matters required to be investigated by me pursuant to the provisions of the said Act.

WITNESS my hand this....day of....., 18...

.....
Auditor-General..

SCHEDULE "E."

Accounts of all moneys collected by..... as
.....from theday of.....
to the....day of....., 189., both days inclusive:

Date of Receipt.	From Whom Received.	On what Account.	Amount.
------------------	---------------------	------------------	---------

Total

SETTLEMENT OF THE ABOVE COLLECTIONS WITH THE MINISTER OF FINANCE.

Date of Deposit or Remittance.	Head of Receipt on Account of which Remittance is made.	Amount.
-----------------------------------	--	---------

Total

.....
Public Accountant.

I,....., do solemnly swear that the above is a true and faithful account of all moneys collected by me as above specified, and that I have paid over the whole amount to the Minister of Finance.

.....
Public Accountant.

Sworn thisday of....., 18....., before me.

.....

ACT 40.

AN ACT TO AMEND SECTION 69 AS AMENDED BY CHAPTER 109 OF THE SESSION LAWS OF 1892, AND SECTION 74 OF CHAPTER 57 OF THE SESSION LAWS OF 1892 ENTITLED "AN ACT TO RE-ORGANIZE THE JUDICIARY DEPARTMENT" RELATING TO APPEALS AND BILLS OF EXCEPTIONS.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 69 of Chapter LVII. of the Session Laws of 1892, entitled " An Act to Re-organize the Judiciary Department" as amended by Chapter 109 of the Session Laws of 1892, is hereby amended so that it shall read as follows:

"Section 69. Appeals shall be allowed from all decisions, judgments, orders or decrees of Circuit Judges in Chambers, to the Supreme Court, except in cases in which the appellant is entitled to appeal to a jury, whenever the party appealing shall file notice of his appeal within five days, and shall pay the costs accrued, and deposit a sufficient bond in the sum

of Fifty Dollars, conditioned for the payment of the costs further to accrue in case he is defeated in the appellate Court, or money to the same amount, within ten days after the filing of the decision, judgment, order or decree appealed from; provided, however, that in any case in which the law allows an appeal from the decision, judgment, order or decree of a Judge in Chambers to be tried before a jury, the Judge whose decision, judgment, order or decree is appealed from shall not preside at the trial of such appeal before a jury, but such appeal shall be in order for hearing at the next regular term of the Circuit Court of the Circuit in which the cause was tried in Chambers, and the Circuit Judge of some other Circuit who shall be thereto authorized by the written request of the Chief Justice or other Justice of the Supreme Court, shall preside at the trial of such appeal; but further provided, that in case such appeal shall be taken from the decision, judgment, order or decree of one of the Judges of the First Circuit in Chambers, it shall be in order for hearing at the next regular term of such Circuit, but the Judge whose decision, judgment, order or decree is appealed from shall not preside at the trial of such appeal. Appeals may be allowed upon like terms as to filing bond and payment of costs, by the Circuit Judge in his discretion from decrees overruling demurrers or from or interlocutory judgments, orders or decrees whenever the Circuit Judge may think the same advisable for the more speedy termination of litigation.

“The refusal of the Circuit Judge to allow an appeal from an interlocutory judgment, order or decree shall not be reviewable by any other Court.”

SECTION 2. Section 74 of said Act is hereby amended so that it shall read as follows:

“Section 74. A party may allege exceptions to any such

opinion, direction, instruction, ruling or order and the same being reduced to writing in a summary mode, and presented to the Judge during the term or within ten days thereafter; or, in case of proceedings in vacation as of the term, within ten days after the opinion, direction, instruction, ruling or order objected to, and being found conformable to truth, shall be allowed and signed by the Judge; but if the Judge shall refuse to allow and sign such exceptions, the truth of the allegations therein contained, may, nevertheless, be established before the Supreme Court, and the exceptions allowed by it; provided, that further time may be allowed by the Judge in his discretion. Bills of exception upon like terms as to filing bond and payment of costs, may be certified to the Supreme Court from decisions overruling demurrers or from other interlocutory orders, decisions or judgments, whenever the Judge in his discretion may think the same advisable for a more speedy termination of the case. The refusal of the Judge to certify an interlocutory bill of exceptions to the Supreme Court shall not be reviewable by any other Court."

Approved this 27th day of May, A. D. 1898.

SANFORD B. DOLE.

President of the Republic of Hawaii.

ACT 41.

AN ACT TO AMEND SECTION 1 OF AN ACT ENTITLED, "AN ACT TO FURTHER PROMOTE THE CONSTRUCTION OF RAILWAYS ON THE ISLAND OF OAHU," APPROVED THE 15TH DAY OF SEPTEMBER, 1890, RELATING TO THE TIME GRANTED FOR THE CONSTRUCTION OF STEAM RAILROADS ON THE ISLAND OF OAHU AND THE EXCLUSIVE FRANCHISE THEREIN NAMED.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 1 of the Act entitled "An Act to further promote the construction of railways on the Island of Oahu," approved the 15th day of September, 1890, is hereby amended so that said section shall read as follows:

"Section 1. The time granted for the construction of steam railroads on the Island of Oahu as prescribed by Section 2, Chapter 62, of the laws of 1888, is hereby extended to November 2, 1903, and the time of the exclusive franchise therein named to September 11, 1938. Provided that such extension of exclusive franchise shall apply only to such portions of railroad as said Company shall construct in the Districts of Waianae, Waialua, Koolauloa and Koolaupoko or any of said Districts."

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 13th day of June, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 42.

AN ACT TO AMEND SECTIONS 4, 30, 57, 71, 72, 73, 10, 20, 27, 55,
62 AND 69 OF LAND ACT OF 1895, RELATING TO PUBLIC
LANDS.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 4 of Land Act 1895 is hereby amended by striking out the words, "except leases executed under the provisions of Parts 6 and 7 of this Act," so that the section as amended shall read as follows:

"Section 4. All future leases of Public Lands in the classes of agricultural, pastoral and pastoral-agricultural lands may contain a proviso that the Government may at any time with reasonable notice and without compensation, except for improvements taken, take possession of any part of the premises covered by such leases which may be required for laying out and constructing new roads or improving or changing the line or grade of old roads, and take from such premises soil, rock and gravel as may be necessary for the construction or improvement of such roads; provided that such privilege of taking without compensation shall not extend to such parts of such premises as are under cultivation with annual crops or sugar until such crops shall be harvested, nor to such parts of such premises as are planted and cultivated with coffee, fruit trees or other perennial crops, or occupied or improved with permanent improvements, except fences."

SECTION 2. Section 30 of Land Act 1895 is hereby amended so that the section as amended shall read as follows:

"Section 30. Such charts of survey shall be open to public inspection during business hours without charge. All appli-

cations for any of said lots shall be made in person by the applicant at the office of the Sub-Agent, and shall include a sworn declaration substantially according to the form of Schedule A. The applicant shall pay to be Sub-Agent a fee of two dollars at the time of making the application. Upon receiving any such application and the said fee the Sub-Agent shall endorse upon the application the day and hour of receiving the same and the receipt of the said fee. In case two or more persons apply for the same lot, the one whose application is first received shall have the preference; the fee deposited by the unsuccessful applicant shall be returned to him. No application not including a declaration of qualifications as above required or not accompanied with the said fee shall be received or considered. All fees collected shall be turned in and accounted for as Government Realizations.

Provided, however, that the Sub-Agent may in his discretion issue a certificate of occupation to any person qualified to apply for Homestead Leases according to the provision of Section 31 of the said Act, who has established and continuously maintained a home upon Public Land for a period beginning at any time before the publication of Land Act 1895, for such occupied land or a part thereof within the limitations set forth in Section 28 of the said Act, without the public notice provided in Section 29 of the said Act."

SECTION 3. Section 57 of the said Act is hereby amended to read as follows:

"Section 57. The Agent of Public Lands shall thereupon give public notice in the English and Hawaiian languages through newspapers and posters, and, if he deem it advisable, in any other language in which newspapers in the Republic are published, and shall post such notice at the Post Office and Court House of the District, declaring such lots to be open for occupation according to the provisions therefor in this

part of this Act, or in his discretion, declaring such lots to be open for occupation according to the provisions therefor in this part of this Act, or according to the provisions of Section 17 of this Act relating to special agreements of sale, at the option of qualified applicants."

SECTION 4. Sections 71, 72 and 73 of Land Act 1895 are hereby amended by inserting the words "Right of Purchase Leases and" immediately before the words "Cash Freeholds" wherever the words "Cash Freeholds" occur in the said Sections, substituting the words "Executive Council" for the word "Cabinet" in said Section 71, and by inserting the words "Lessees and" immediately before the word "Freeholders" in said Section 72, so that the said sections as amended shall read as follows:

"Section 71. In case six or more persons who are qualified to apply for Right of Purchase Leases and Cash Freeholds under this Act, shall form themselves into a Settlement Association and apply for holdings in one block of land, the Commissioners may, with the approval of the Executive Council, cause to be surveyed lots in one block corresponding in number to the number of persons forming such Association, in agricultural or pastoral land or both according to the provisions of this Act."

"Section 72. The provisions of this Act relative to Right of Purchase Leases and Cash Freeholds shall be followed in the settlement of such block of land, and shall apply to all matters relating to the occupation thereof and the rights and obligations of the Government and Lessees and Freeholders under such occupation, provided that the notice by the Agent of Public Lands declaring such land open for settlement shall be directed to such Settlement Association and shall be in one language only; and further provided, that in case of the surrender or forfeiture of the holding of any

member of such Association, such holding if declared open for settlement shall be open to any applicant under the provisions of this part of this Act.

“Section 73. If any lot of such block of land shall be left for three months after such block is declared open for settlement, without being taken up by any member of such Settlement Association, the same may be declared open for settlement by any applicant under the provisions of this Act relative to Right of Purchase Leases and Cash Freeholds, or may be disposed of in any other manner provided in this Act or may be reserved for public uses or otherwise at the discretion of the Commissioners.

SECTION 5. Séctions 10, 20, 27, 55, 62 and 69 of Land Act 1895 are hereby amended by substituting the words “Executive Council” for the word “Cabinet,” wherever the word “Cabinet” now occurs in the said sections, so that the said sections as amended shall read as follows:

“Section 10. The Commissioners with the approval of the Executive Council shall have power to purchase lands for homestead purposes with any fund that may be appropriated therefor.

“Section 20. Previous to the last two years of the term of any general lease the Commissioners shall with the approval of the Executive Council decide in regard to the premises covered by such lease whether the same shall be demised under a new lease or be reserved by the Government for other disposition thereof under this Act, or for forest improvements, or for the development of water supply, or other public uses or otherwise, or whether a part should be so reserved and a part demised under a new lease, and shall promptly notify the lessee of such lease of the nature of such decision.”

“Section 27. The violation of any of the conditions of a General Lease to be performed by the lessee, shall be sufficient cause for the Commissioners with the approval of the Executive Council to take possession of the demised premises without notice, demand or previous entry and with or without legal process, and thereby determine the estate created by such lease.”

“Section 55. The Commissioners of Public Lands with the approval of the Executive Council are hereby authorized and instructed to cause to be surveyed and set apart from time to time suitable portions of public lands for the occupation of such persons as may desire to obtain holdings under this part of this Act. Such lands shall be selected only from agricultural and pastoral lands and shall be laid out in lots of not over one hundred acres in first class agricultural land, not over two hundred acres in second class agricultural land, not over two acres in wet land, not over six hundred acres in first class pastoral land, not over twelve hundred acres in second class pastoral land, and not over four hundred acres in mixed agricultural and pastoral land. Convenient roads as to grade and direction shall be surveyed connecting such lots with a public road.”

“Section 62. The violation of any of the foregoing conditions shall be sufficient cause for the Commissioners, with the approval of the Executive Council, to take possession of the demised premises without notice, demand or previous entry, and with or without legal process, and thereby determine the estate created by such lease.”

“Section 69. In case of default in the payment of any of the said instalments for thirty days after the same are due respectively, or failure of performance of any other of the said conditions, the Commissioners, with the approval of the Executive Council may take possession of such premises without

notice, demand or previous entry and with or without legal process, and thereby determine the estate created by such Freehold agreement.”

SECTION 6. This Act shall take effect upon publication.

Approved this 15th day of June, A. D. 1898.

SANFORD B. DOLE.

President of the Republic of Hawaii.

ACT 43.

AN ACT TO AUTHORIZE THE HAWAIIAN GOVERNMENT TO ACQUIRE AND PRESERVE ANCIENT HEIAUS AND PUUHONUAS OR THE SITES OR REMAINS THEREOF.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The Minister of the Interior is hereby authorized to acquire and preserve for and in behalf of the Hawaiian Government ancient Heiaus and Puuhonuas or the sites or remains thereof throughout this Republic, and to that end is hereby authorized to condemn the same and approaches thereto whenever they cannot be acquired by mutual agreement with the owners of the land upon which the same may be located.

SECTION 2. The sum of \$2,500.00 is hereby appropriated out of any funds in the Public Treasury lawfully available to be spent by the Minister of Interior for the purposes of this Act.

SECTION 3. If condemnation becomes necessary the method of procedure shall be such as is prescribed by Act XLV. of the Session Laws of the Republic of Hawaii for the year 1896.

SECTION 4. The Minister of Interior, with the approval of the Executive Council, is hereby authorized to promulgate all necessary or proper rules for the preservation and management of the property aforesaid when acquired, and to regulate the admission and control of all persons visiting or entering the same.

All such rules when promulgated by publishing in some newspaper published in Honolulu or on the Island where the property is situated and by posting in a conspicuous place on the premises shall have the force and effect of law.

SECTION 5. Any person violating any rules so promulgated shall be liable upon conviction before any District Magistrate to a fine not exceeding \$50.

SECTION 6. This Act shall take effect from the date of its publication.

Approved this 20th day of June, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 44.

AN ACT RELATING TO APPEALS FROM DECISIONS OF DISTRICT
MAGISTRATES AND AMENDING SECTION 68 OF CHAPTER
LVII. OF THE SESSION LAWS OF 1892, AS AMENDED BY ACT
54 OF THE LAWS OF 1896.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Any party deeming himself aggrieved by the decision of any District Magistrate, in any case, civil or crim-

inal, may appeal therefrom to the Circuit Judge of the same Circuit, at Chambers, by filing notice of such appeal within five days after the rendering of such decision, and paying the costs accrued within ten days after the date of such decision; and if it is a civil case, depositing a good and sufficient bond in the penal sum of twenty dollars, conditioned for the payment of the costs further to accrue, in case he is defeated in the appellate court, or money to the same amount, within said ten days.

In all such cases so appealed no other or further appeal on any question of fact shall be allowed.

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 20th day of June A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 45.

AN ACT RELATING TO CORPORATIONS AND INCORPORATED COMPANIES ORGANIZED UNDER THE LAWS OF FOREIGN COUNTRIES AND CARRYING ON BUSINESS IN THIS REPUBLIC; REPEALING CHAPTER XXXVI. OF THE SESSION LAWS OF 1880, AND CHAPTER XXXVIII. OF THE SESSION LAWS OF 1882, RELATING THERETO, AND CHAPTER XI. OF THE SESSION LAWS OF 1878, ENTITLED "AN ACT PROVIDING FOR SERVICE OF PROCESS ON FOREIGN CORPORATIONS."

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Every corporation or incorporated company formed or organized under the laws of any foreign State,

which may be desirous of carrying on business in this Republic and to take, hold and convey real estate therein, shall file in the office of the Minister of the Interior:

1. A certified copy of the charter or act of incorporation of such corporation or company;
2. The names of the officers thereof;
3. The name of some person upon whom legal notices and process from the Courts of this Republic may be served;
4. A certified copy of the by-laws of such corporation or company.

SECTION 2. Every such corporation or company on complying with the provisions of Section 1 of this Act and paying to the Minister of the Interior a fee of Fifty Dollars, shall, subject to the provisions of Section 5 hereof, have the same powers and privileges and be subject to the same disabilities as are by law conferred on corporations constituted under the laws of this Republic, and shall, for the purposes for which they shall be constituted, have full power to hold, take and convey by way of sale, mortgage or otherwise, real, personal and mixed estate in this Republic. Provided always that the purposes for which such corporation or company shall be constituted shall not be repugnant to or in conflict with any law of this Republic. Provided further that nothing herein contained shall be construed to give any such corporation or company any of the special powers conferred by law upon railroad or banking corporations constituted under the laws of this Republic.

SECTION 3. Every such corporation or company carrying on business in the Hawaiian Islands, shall on the first day of July of each year, file with the Minister of the Interior, a statement of all matters which are or may be required by law to be filed by Hawaiian corporations.

SECTION 4. The said Minister shall have power at any time either by himself or by one or more commissioners appointed by him, to call for the production of the books and papers of any foreign corporation doing business in the Hawaiian Islands, and to examine its officers, members and others touching its affairs, under oath; and the said Minister may, in his discretion, lay before the President, and also publish the said annual reports, and statement of such examination.

SECTION 5. In case any such corporation shall refuse or fail to present such annual exhibit of its affairs to the Minister of the Interior, or to produce its books and papers upon the request of the Minister, or of the commissioner or commissioners appointed by him, or in case any of the officers or members of such corporations shall refuse to be examined on oath touching the affairs of the same, the Minister or the commissioner or commissioners may apply to a Court of Chancery for an order to compel the production of such books and papers, or the examination of such officers and members thereof, and the Court may enforce obedience to which order as in the case of its ordinary decrees and orders; and such corporation shall be denied the benefit of the laws of the Republic, particularly the statute limiting the time for the commencement of civil actions, and shall not be entitled to sue in any Court of the Republic for any cause of action whatever, while such neglect or refusal continues.

SECTION 6. Chapter XXXVI. of the Session Laws of 1880, Chapter XXXVIII. of the Session Laws of 1882, and Chapter XI. of the Session Laws of 1878 are hereby repealed.

SECTION 7. This Act shall take effect from the date of its publication.

Approved this 20th day of June, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 46.

AN ACT RELATING TO CERTAIN AGREEMENTS OF SALE UNDER
THE PROVISIONS OF THE HOMESTEAD ACT OF 1884 AND
ITS AMENDMENTS.

WHEREAS certain agreements of sale under the provisions of the Homestead Act of 1884 and its amendments have been made between the Minister of the Interior and applicants for land situate in the District of North Kona, Island of Hawaii, under the said Homestead Act, whereby two lots of kula land were agreed to be conveyed to the several applicants contrary to the said statute; and whereas certain of the said applicants have performed the said agreements of sale and have received Land Patents for such two lots each, contrary to such statute; and whereas others of the said applicants have performed or partially performed the stipulations of the said agreements of sale to be performed by them:

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. All such Land Patents received by the parties to such agreements of sale as aforesaid are hereby ratified and confirmed.

SECTION 2. The President and Minister of the Interior are hereby authorized to execute and deliver to those of the said applicants who have performed or shall hereafter perform the stipulations of such agreements of sale to be performed by them Land Patents for such two lots respectively.

SECTION 3. This Act shall go into effect upon its publication.

Approved this 20th day of June, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 47.

AN ACT RELATING TO THE DESCENT OF PROPERTY; AMENDING SECTION 1448 OF THE CIVIL CODE, AND REPEALING CHAPTER 1 OF THE SESSION LAWS OF 1872, RELATING THERETO.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 1448 of the Civil Code is hereby amended so as to read as follows:

“Section 1448. The property shall be divided equally among the intestate’s children, and the issue of any deceased child by right of representation, and if there is no child of the intestate living at his death, his estate shall descend to all his other lineal descendants; and if all the said descendants are in the same degree of kindred to the intestate, they shall share the estate per capita, that is, equally; otherwise they shall inherit per stirpes, that is, by each of their children taking a share, and the grandchildren, the children of a deceased child taking a share, to be afterwards divided among themselves:

“If the intestate shall leave no issue, his estate shall descend one-half to his widow, and the other half to his father and mother as tenants in common; and if he leave no widow, nor issue, the whole shall descend to his father and mother, or to either of them if only one be alive.

“If he shall leave no issue, nor father, nor mother, his estate shall descend one-half to his widow, and the other half to his brothers and sisters, and to the children of any deceased brother or sister by right of representation:

“If the intestate be a woman, and leave no issue, her estate shall descend one-half to her husband, and the other half to her father and mother as tenants in common, and if she leave no husband nor issue, the whole shall descend to her father

and mother, or to either of them if only one be alive; if she shall leave no issue, nor father, nor mother, her estate shall descend one-half to her husband and the other half to her brothers and sisters, and to the children of any brother or sister by right of representation:

“If the intestate shall leave no issue nor father, mother, brother or sister, nor descendants of any deceased brother or sister, the estate shall descend to the intestate’s widow, if any; or in case the intestate be a woman, to her husband, if any:

“If the intestate shall leave none of the said relatives surviving, nor widow, nor husband, the estate shall descend in equal shares to the next of kin in equal degree, but no person shall be entitled, by right of representation to the shares of such next of kin who shall have died. Provided, however, that if the estate come through either parent of the deceased intestate, the brothers and sisters of that parent and their respective heirs shall be preferred to those of the other parent.”

SECTION 2. Chapter 1 of the Session Laws of 1872 is hereby repealed.

SECTION 3. This Act shall take effect from the date of its publication.

Approved this 21st day of June, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 48.

A. ACT TO AMEND SECTION 2 OF ACT 17 OF THE SESSION LAWS (SPECIAL SESSION) OF 1895, ENTITLED, "AN ACT TO FACILITATE THE CONSTRUCTION AND MAINTENANCE OF TELEGRAPH CABLES IN THE PACIFIC," APPROVED AUGUST 12, 1895.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 2 of Act 17 of the Session Laws (Special Session), of 1895, is hereby amended by adding at the end of said Section the following paragraph:

To grant an exclusive right and privilege to lay, construct, land, maintain and operate for the term of twenty years, telegraphic and magnetic lines or cables from and beyond the Hawaiian Islands to Japan and any Islands or places necessary for stations for such cables between the Hawaiian Islands and Japan that lie north of the tenth degree or parallel of North latitude in the North Pacific Ocean.

SECTION 2. This Act shall become law from and after the date of its approval.

Approved this 21st day of June, A. D. 1898.

SANFORD B. DOLE.

President of the Republic of Hawaii.

ACT 49.

AN ACT TO FURTHER PROVIDE FOR THE PAYMENT OF CURRENT
ACCOUNTS.

WHEREAS, It is expedient that authority should be given to the Minister of Finance to secure funds temporarily on loan by way of a bank overdraft; now therefore:

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The Minister of Finance, with the approval of the Executive Council, is authorized during each biennial period to open a bank account or bank accounts in the name of the Government of the Republic of Hawaii, with any bank or banks or financial institution carrying on business in Honolulu, and from time to time, during each such period, to receive on loan by way of overdraft on such account or accounts, such sums of money not to exceed in the aggregate \$150,000 at any one time, as the said Minister and the said Council may deem necessary to meet the current expenses of the said Government.

SECTION 2. The moneys borrowed by authority of this Act shall be repayable by the Minister of Finance upon his tender of the same, together with interest not exceeding six per cent. per annum in Gold Coin of the United States of America.

SECTION 3. No money shall be obtained on such account or accounts except against ~~Departmental~~ drafts or orders on the Treasury of an equal amount duly accepted by the Minister of Finance.

SECTION 4. All moneys received under the authority of this Act shall be paid out and used only for the current expenses under appropriations made by the Legislature, as aforesaid,

of the Government, and such moneys shall be repayable, and the interest thereon shall be paid out of the current revenue of the Government as provided by the Legislature.

SECTION 5. This Act shall take effect from and after the date of its publication.

Approved this 21st day of June, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 50.

AN ACT TO ESTABLISH A MARINE PARK ON THE EAST SIDE OF
HONOLULU HARBOR.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The Minister of the Interior is hereby authorized to reserve that portion of the reef lying southeasterly from the entrance channel of the harbor of the port of Honolulu, hereinafter described in Section 3, as a free, public marine park, and to add to such reservation from time to time such other adjoining reef land as may be conveyed to the Government for such purpose by the trustees of the Estate of Bernice Pauahi Bishop, or others.

SECTION 2. The Minister of the Interior is hereby further authorized to enter into an agreement with the trustees of the Bernice Pauahi Bishop Museum, whereby they shall be authorized to establish and maintain within the said marine park, a free public marine aquarium and a marine zoological laboratory, with the privilege, under the direction of the Min-

ister of the Interior, of erecting and maintaining the necessary structures, appliances and apparatus therefor, including a wharf for watercraft to be used in connection with such aquarium and laboratory.

SECTION 3. From the Government survey Station "Channel A" on the sea-wall, from which point "Punchbowl A" bears N. $51^{\circ} 18'$ E. true, the boundary runs by true meridian:

N. $39^{\circ} 00'$ E. 600 feet along the outer edge of the sea-wall;
S. $46^{\circ} 45'$ E. 850 feet along Government property across the reef;

S. $62^{\circ} 43'$ W. 750 feet along the outer edge of the sea-wall to the Government Survey Station, "Sea-wall A."

N. $51^{\circ} 00'$ W. 400 feet along the upper edge of the sea-wall to beginning of curve;

Thence by a curve to the right of radius 150 feet, following the outer edge of the sea-wall to the initial point; including an area of 11 54-100 acres.

SECTION 4. This Act shall take effect upon its publication.

Approved this 21st day of June, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 51.

AN ACT TO AMEND SECTIONS 13 AND 15, TO REPEAL SECTION 14, AND TO ADD A NEW SECTION TO BE CALLED SECTION 17A OF CHAPTER 65 OF THE PENAL CODE RELATING TO WEIGHTS AND MEASURES.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 13 of Chapter 65 of the Penal Code is hereby amended to read as follows:

“Section 13. It shall be the duty of the Minister of the Interior to procure a standard set of weights and measures; and he shall annually (or oftener in his discretion) cause all beams, weights and measures in this Republic, used by persons selling any goods, wares, merchandise, fruits, vegetables or other commodity, to be tested, at the place where used, by such standard weights or measures, and to seal such as shall be found true with the capital letters R. H. He shall in like manner cause to be tested all beams, weights and measures which shall be brought to him to be tested.”

SECTION 2. Section 14 of Chapter 65 of the Penal Code is hereby repealed.

SECTION 3. Section 15 of Chapter 65 of the Penal Code is hereby amended so as to read as follows:

“Section 15. The charge for testing any beam, weight or measure, shall be as follows: For sealing and marking every beam, fifty cents; for sealing and marking every measure of extension, twenty-five cents; for sealing and marking every weight, ten cents; for sealing and marking every liquid or

dry measure, ten cents; and a reasonable compensation for making such weights and measures conform to the standard.

Provided however, that no charge shall be made for more than two inspections of the same beam, weight or measure, in one year. All fees collected under this Section shall be paid into the Treasury as Government Realizations."

SECTION 4. After Section 17, add a new Section to be called Section 17A.

"Section 17A. Any person who shall wilfully and fraudulently change any beam, weight or measure after the same shall have been tested and sealed, shall be liable on conviction in any District Court, to pay a fine not to exceed Fifty Dollars for each such offense."

SECTION 5. This Act shall take effect from and after the date of its publication.

Approved this 21st day of June, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 52.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROMOTE THE CONSTRUCTION OF RAILWAYS," APPROVED AUGUST 1ST, A. D. 1878, BY ADDING A NEW SECTION THERETO TO BE CALLED SECTION 3A.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. An Act entitled "An Act to Promote the Construction of Railways," approved August 1st, A. D. 1878, is hereby amended by adding a new section thereto to be called Section 3A which shall read as follows:

"Section 3A. But nothing in this Act shall be construed to authorize any such corporation to enter upon or take any tide waters, nor to in anywise hinder, obstruct or interfere with navigation in or upon any public navigable waters, nor to erect, build or maintain any pier, jetty, or wharf in, upon or over any harbor, bay or river beyond high water mark."

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 23rd day of June, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 53.

AN ACT RELATING TO PUBLIC CEMETERIES.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The Minister of the Interior is hereby authorized from time to time to establish such public cemeteries, or places for burial, in the several districts of the Republic as he shall deem necessary.

For this purpose he may set apart such portions of the public lands as he shall deem necessary, and with the approval of the Executive Council purchase suitable lands or interests in lands, from private owners.

SECTION 2. Said Minister may from time to time, with the approval of the Executive Council, transfer and convey to any Cemetery Corporation or organization, the property so set apart or acquired in any district, or any portions of such property, to be held or managed as a public cemetery or cemeteries, upon such terms and conditions as he shall, with such approval, determine.

SECTION 3. The provisions of this Act shall not be construed to conflict with the authority imposed by law upon the Board of Health to make regulations for the interment of the dead, and respecting cemeteries and burying grounds, or to protect the public health.

SECTION 4. This Act shall take effect from the date of its approval.

Approved this 23rd day of June, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 54.

AN ACT LICENSING THE MANUFACTURE OF WINE FROM GRAPES OF HAWAIIAN GROWTH AND PROVIDING FOR THE SALE THEREOF AND TO REPEAL ACT 82 OF THE LAWS OF THE PROVISIONAL GOVERNMENT OF 1894, APPROVED JUNE 7, 1894, RELATING TO LICENSING THE MANUFACTURE OF WINES FROM GRAPES OF HAWAIIAN GROWTH, AND TO REPEAL ACT 58 OF THE SESSION LAWS OF 1896, APPROVED JUNE 8, 1896, AMENDING ACT 82 OF THE LAWS OF THE PROVISIONAL GOVERNMENT OF 1894, APPROVED JUNE 7, 1894.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The Minister of the Interior is hereby authorized to grant licenses for the manufacture of wine from grapes of Hawaiian growth, provided the applicant for such license shall first file with said Minister a bond in the following form, with one good and sufficient surety:

Know all men by these presents that we, principal, and, surety, residing at, , in the Island of, , Hawaiian Islands, are held and firmly bound unto, , Minister of the Interior, and to his successors in office in the Penal Sum of One Hundred Dollars, to be levied on our respective joint and several property, in case the conditions or any or either of them herein set forth shall be violated. For the faithful payment of which we hereby bind ourselves, our heirs, executors and administrators.

Witness our hands and seals this. . . . day of,
A. D. 18. . .

The condition of this obligation is, that whereas the said , principal, has this day obtained a license to manufacture wine out of grapes of Hawaiian growth, for the term of three years from this date, now, if he shall not manufacture any brandy, rum or other spirituous liquors, if he shall not manufacture wine out of grapes grown in any foreign country, if he shall not sell any wine manufactured under this license to any person other than to licensed dealers in spirituous liquors, or wines, or beer, if he shall, on or before the last day of December in each year, furnish the said Minister with a sworn statement, in writing, of the quantity of wine manufactured by him during the past year, the quantity sold and still on hand, then this obligation to be void, otherwise, upon proof being made to the satisfaction of any District Magistrate of the violation of any or all of the above conditions, the penalty mentioned in the above bond shall be forfeited for the benefit of the Hawaiian Government.

[L. S.]..... Principal.

[L. S.]..... Surety.

SECTION 2. The Marshal or his Deputy or the Sheriff or Deputy Sheriff of the respective district shall from time to time inspect the stock of wine of a licensed manufacturer and convince themselves that no wine is or has been sold except to licensed dealers.

SECTION 3. Upon a forfeiture of the bond provided for in Section 1 of this Act, the license granted by the Minister of the Interior shall cease and determine.

SECTION 4. Whoever shall manufacture wine for sale without first obtaining a license as prescribed by this Act, or who, having obtained said license, shall sell said wine otherwise than as prescribed by the conditions of the bond set forth in Section 1 of this Act shall, on conviction thereof, before any

District Magistrate be liable to the fines and penalties prescribed for selling spirituous liquor without license.

SECTION 5. Act 82 of the Laws of the Provisional Government of 1894, approved June 7, 1894, relating to licensing the manufacture of wines from grapes of Hawaiian growth and Act 58 of the Session Laws of 1896 approved June 8, 1896, amending Act 82 of the Laws of the Provisional Government of 1894 approved June 7, 1894, are hereby repealed.

SECTION 6. This Act shall take effect from and after the date of its publication.

Approved this 23rd day of June, A. D. 1898.

SANFORD B. DOLE.
President of the Republic of Hawaii.

ACT 55.

AN ACT TO REGULATE THE OPENING OF STREETS ON PRIVATE LANDS IN THE DISTRICT OF KONA, ISLAND OF OAHU, AND THE TOWN OF HILO, ISLAND OF HAWAII.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. In case the owner of private land situate in the District of Kona, Island of Oahu, or the Town of Hilo, Island of Hawaii, shall desire to open a street or streets for the use of the public on such land connecting with the street system of said district, or town, it shall be incumbent on him to first submit to the Minister of the Interior a chart and description of such proposed street or streets, giving accurately

the location, extension, width, nature of construction and finish.

SECTION 2. The Minister of the Interior shall upon receiving such application examine the proposed location of such street or streets, and shall thereafter deliver to such applicant his written decision in regard to the proposed street or streets, approving or disapproving the same or recommending a modification of the plans therefor.

SECTION 3. No such street shall be accepted by the Government unless the same is laid out, constructed and finished in accordance with plans approved by the Minister of the Interior, and a deed of conveyance thereof executed and delivered in favor of the Government, and accepted by it.

SECTION 4. No street opened upon private land in said district or town shall be considered to be for the use of the public unless both ends thereof communicate with the public system of streets; and for the purpose of this Act, if each of two intersecting streets on or proposed for any such private land communicate independently with the public system of streets at one of their respective termini, such part of such two intersecting streets as make a continuous passage into and out from such private land shall be considered as one street in the meaning of this Act.

SECTION 5. This Act shall go into effect upon its publication.

Approved this 23rd day of June, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 56.

AN ACT RELATING TO THE JURISDICTION OF CIRCUIT COURTS AND OF CIRCUIT JUDGES IN CHAMBERS; AND AMENDING SECTION 38 AND REPEALING SECTION 39 OF CHAPTER 57 OF THE SESSION LAWS OF 1892 RELATIVE THERETO.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 38 of Chapter 57 of the Session Laws of 1892 is hereby amended so as to read as follows:

“Section 38. Provided, however, that the powers and jurisdiction of Circuit Courts and of Circuit Judges in Chambers relating to causes of a civil nature as hereinbefore defined, shall be limited as follows:

“First: Causes described in the second division of Section 36 shall be triable only in the Circuit where it is alleged the penalty or forfeiture was incurred:

“Second: Actions of ejectment, actions to quiet title in real property and actions of trespass *quare clausum fregit* shall be triable only in the Circuit in which the real property in question is situated. And actions for tort shall be triable only in the Circuit in which the alleged cause of action arose:

“Third: Cause of divorce, separation, or nullity of marriage, which shall be triable only in the Circuit where the parties last lived together as man and wife:

“Fourth: Causes of bankruptcy, which shall be heard only in the Circuit where the alleged bankrupt has had his business headquarters, or in the First Circuit:

“Fifth: Proceedings for the probate of wills and for the appointment of administrators and trustees of the estates of

deceased persons; for the admeasurement of dower and for all matters relating to the administration and settlement of estates of deceased persons, which shall be brought only in the Circuit where the deceased had his last residence. Provided, that if the deceased died abroad the proceedings may be brought in the First Circuit:

“Sixth: Proceedings for the appointment of guardians and for all matters concerning the relation of guardian and ward, which shall be brought in the Circuit where the person or a majority of the persons reside, in behalf of whom such proceedings are begun:

“Seventh: Proceedings for the partition of real estate, which shall be brought only in the Circuit where the real estate, partition of which is prayed for, is situated. Provided, that if such real estate lies in more than one Circuit the proceedings may be had in either Circuit in which the same is situated:

“Eighth: The power of legalizing the adoption of children, and decreeing the affiliation of bastards, shall be in the Judge of the Circuit where the parents of the child in question reside:

“Ninth: The power of issuing writs as provided in the ninth division of Section 37, shall be in the Judge of the Circuit in which the alleged occasion for relief by any such writ shall arise. Provided, however, that in case any such writ shall be necessary in the prosecution or furtherance of any cause or proceeding already begun or pending before any Circuit Court or Judge, the power of issuing such writ shall be in the Court or Judge before whom such cause or proceeding has been begun or is pending, even though the alleged occasion for relief shall have arisen in another Circuit.”

SECTION 2. Section 39 of Chapter 57 of the Session Laws of 1892 is hereby repealed.

SECTION 3. This Act shall take effect from the date of its publication, but shall not be construed to apply to any cause or proceeding then pending before any Circuit Court or Judge, nor to any cause then pending in the Supreme Court and which may be remanded to any Circuit Court or Judge for further proceedings.

Approved this 6th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 57.

AN ACT RELATING TO CERTAIN LICENSES AND TO AMEND SECTION 80 (RELATING TO MILK), SECTION 83 (RELATING TO NOTARIES PUBLIC, AGENTS TO TAKE ACKNOWLEDGMENTS, AGENTS TO ACKNOWLEDGE LABOR CONTRACTS) OF ACT 64 OF THE SESSION LAWS OF 1896, RELATING TO LICENSES APPROVED JUNE 12, 1896.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Sections 80 and 83 of Act 64 of the Session Laws of 1896, relating to licenses approved June 12, A. D. 1896, are hereby amended so as to read as follows:

“Section 80. The annual fee for a license to sell milk shall be Two Dollars and Fifty Cents (\$2.50).

“Section 83. The annual fee for a license to act as Agent to Take Acknowledgments to Labor Contracts in the District of Honolulu shall be Fifty Dollars.

The annual fee for a license to act as Notary Public or as Agent to take Acknowledgments shall be Ten Dollars for Honolulu and Five Dollars for the First Judicial Circuit outside of Honolulu and Five Dollars for all the other Judicial Circuits."

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 6th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 58.

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE DEPARTMENTAL USE OF THE GOVERNMENT DURING THE TWO YEARS WHICH WILL END WITH THE 31ST DAY OF DECEMBER IN THE YEAR 1899.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The following sums amounting to \$2,289,581.50 are hereby appropriated to be paid out of all the moneys in the Treasury received from all the current receipts of the general revenues of the Republic of Hawaii for the biennial fiscal period commencing with the first day of January, 1898, and ending with the 31st day of December, A. D. 1899.

DEPARTMENT OF THE JUDICIARY.

Expenses Supreme and Circuit Courts.....	\$	33,000	00
Purchase of Law Books Supreme Court.....		1,200	00

Purchase of Law Books for Circuit Courts other than First Circuit.....	500 00
Compiling, Printing and Binding Hawaiian Reports	3,200 00
Stationery and Incidentals.....	1,800 00
Compiling and Publishing Penal and Civil Laws.	2,675 50
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	\$ 42,375 50
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DEPARTMENT OF FOREIGN AFFAIRS.

Incidentals Foreign Office.....	\$ 3,000 00
Expenses connected with Diplomatic and Consular Service	15,000 00
Expenses Hawaiian Consulate San Francisco...	3,600 00
State Entertainments and Ceremonies.....	3,000 00
Expenses Executive Council.....	600 00
Furnishing Information Abroad.....	5,000 00
Relief and Return of Indigent Hawaiians.....	3,000 00
Expenses Council of State.....	100 00
Relief of Hawaiian Seamen.....	1,000 00
Support of Military.....	60,000 00
New Instruments for Band Honolulu.....	1,705 00
Expenses of Exhibit at Trans-Mississippi Exhibition at Omaha.....	3,500 00
Erecting two Tombstones over the Graves of Privates Anderson and Husberg.....	150 00
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	\$ 99,655 00
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DEPARTMENT OF FINANCE.

Incidentals Finance Office.....	\$ 3,500 00
Incidentals and Traveling Expenses, Auditor-General's Office.....	6,000 00

Printing Revenue Stamps, etc.....	500 00
Interest on all Loans and Advances, including Commissions on Remittances to London.....	585,000 00
For the Purchase and Expense of Coinage of Dimes and Nickels.....	15,000 00
Expenses Taxation Commission.....	5,000 00
Transfer from Sinking Fund to Land Sales, Special Deposit	29,457 48
Reimbursement of A. K. Kunuiakea.....	5 50
	<hr/>
	\$ 644,462 98
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CUSTOMS BUREAU.

Incidentals Customs Bureau.....	\$ 10,000 00
Expenses of Pilot and Customs Boat.....	2,500 00
Steam Launch	5,000 00
Special Service Fund.....	5,000 00
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	\$ 22,500 00
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POSTAL BUREAU.

Incidentals Postal Bureau.....	\$ 17,000 00
Special Mail Carriage (Foreign).....	15,000 00
Postal Money Order Capital.....	3,500 00
Mail Subsidy Wilder's S. S. Co.....	3,000 00
Mail Subsidy Inter-Island S. N. Co.....	3,000 00
Extra Inter-Island Mail Service.....	2,000 00
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	\$ 43,500 00
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TAX BUREAU.

Tax Appeal Boards.....	\$ 1,500 00
Dog Tags	500 00
Incidentals Tax Office.....	8,000 00
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	\$ 10,000 00
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DEPARTMENT OF THE ATTORNEY-GENERAL.

Support and Maintenance of Prisoners.....	\$ 80,000 00
Incidentals, Civil and Criminal Expenses.....	30,000 00
Coroners' Inquests	5,000 00
Expenses of Witnesses in Criminal Cases.....	7,000 00
Detective Service	13,000 00
Support of Citizens' Guard.....	8,000 00
Patrol Wagon and Equipments.....	1,200 00
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	\$ 144,200 00
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DEPARTMENT OF PUBLIC INSTRUCTION.

Industrial and Reform Schools.....	\$ 10,000 00
Expenses Industrial and Manual Training.....	2,000 00
Expenses of Teachers' Convention.....	2,500 00
Book Fund	8,000 00
Stationery and Incidentals.....	8,000 00
Repairing School Houses.....	15,000 00
Furniture and Fixtures.....	4,000 00
Support of Lahainaluna School.....	4,000 00
New School Houses and Teachers' Cottages as per following Schedule:	
Island of Hawaii.....	\$ 25,000 00
Island of Maui.....	7,000 00
Island of Oahu.....	48,000 00
Island of Kauai.....	3,000 00
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	83,000 00
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	\$ 136,500 00
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DEPARTMENT OF THE INTERIOR.

COMMISSION OF PUBLIC LANDS.

Incidentals	\$	5,000 00
Preliminary Roads and Trails		7,000 00
	\$	<u>12,000 00</u>

BUREAU OF SURVEY.

Expenses of Survey and Field Work to Include all Work Done by the Public Lands Com- mission	\$	45,000 00
Office Expenses, Instruments, Publishing Maps, etc		2,000 00
Meteorology and Tide Gauge		1,200 00
	\$	<u>48,200 00</u>

BUREAU OF CONVEYANCES.

Incidentals	\$	550 00
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BUREAU OF IMMIGRATION.

Incidentals and Traveling Expenses	\$	2,500 00
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BUREAU OF WATER WORKS.

Running Expenses	\$	7,500 00
Repairs to Reservoirs		8,000 00
General Repairs		12,000 00
Running Expenses, Pumping Plants		25,000 00
Running Expenses, Market		1,000 00
Hilo Water Works		700 00

Laupahoehoe Water Works.....	300 00
Koloa Water Works.....	200 00
Water Pipes for Waiohinu, Kau, Hawaii.....	500 00
Water Filtration Investigations.....	1,500 00
Nawiliwili Water Works.....	2,500 00
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	\$ 59,200 00
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BUREAU OF PUBLIC WORKS.

Incidentals and Traveling Expenses.....	\$ 2,200 00
Traveling Expenses, Road Engineer, to be accompanied with Vouchers.....	1,200 00
Repairs, Furniture and Additions to Government Buildings	45,000 00
Fire Station and Apparatus Kulaokahua.....	7,000 00
Landings and Buoys, Hawaii.....	3,000 00
Wharf Shed Hookena, South Kona.....	200 00
Wharf Shed Napoopoo, South Kona.....	200 00
Extension of Wharf Hookena, South Kona.....	800 00
Extension of Wharf Keauhou, North Kona.....	500 00
Landings and Buoys, Maui.....	2,500 00
Extension Wharf Hana, Maui.....	500 00
Dredging Lahaina Landing.....	1,000 00
Extension of Kihei Wharf.....	1,200 00
Landings and Buoys, Molokai.....	3,000 00
Landings and Buoys, Honolulu.....	25,000 00
Landings and Buoys, Outer Districts, Oahu, including Pearl Harbor.....	1,000 00
Landings and Buoys, Kauai.....	2,000 00
Landings and Buoys, General.....	5,000 00
Light House Supplies.....	2,000 00
Steam Tug	10,000 00

Dredging Honolulu Harbor.....	20,000 00
Removing Powder Magazine.....	7,500 00
	\$ 140,800 00

ROADS AND BRIDGES, HAWAII.

Curbing and Paving Government Sidewalks, Hilo	\$ 2,400 00
North Hilo	2,500 00
Road from Laupahoehoe to Kiilau.....	2,500 00
Hilo	15,000 00
Stone Culvert across Pohakunanaku, Hilo.....	2,000 00
Purchase of Road Roller, Hilo.....	5,000 00
Puna	10,000 00
Road through Nanawale and Kaohe Homesteads, Puna	1,200 00
New Road from Pahoia to Rycroft's Road, Puna (unpaid bills)	266 94
To Complete Road from Koae to Kamaili, Puna..	1,000 00
Kau	4,000 00
Road to Ninole Homesteads, Kau.....	2,000 00
South Kona	3,000 00
Widening and Repairing Road between Kaohe and Alika, South Kona.....	2,500 00
North Kona	3,000 00
Beach Road Kailua to Keauhou.....	500 00
Widening and Repairing Beach Road Hookena to Napoopoo, South Kona.....	400 00
South Kohala	2,000 00
Bridge across Waimea stream, Hawaii.....	500 00
North Kohala	1,500 00
Hamakua	2,500 00
Re-grading Main Road and Roads to Landings, Hamakua	22,000 00

Kaauhuhu Homestead Roads, Hamakua.....	2,500 00
Ahualoa Homestead Road, Hamakua.....	8,000 00
Kalopa Homestead Road, Hamakua.....	4,000 00
Paauilo Homestead Road, Hamakua.....	6,000 00
Kaala Homestead Road, Hamakua.....	5,500 00
Piihonua Road, Hilo.....	7,500 00
Kapakuea Road, Hilo.....	7,500 00
Road from Honokane-iki Landing to Government Homesteads at Awini.....	3,000 00
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	\$ 129,766 94
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ROADS AND BRIDGES, MAUI.

Lahaina	\$ 1,000 00
Wailuku	2,000 00
Makawao	2,000 00
Regrading Road Kokomo, Makawao, to Halehaku, Huelo, Maui	3,500 00
Culvert across Kawaipapa stream, Maui.....	300 00
Roads Hana District.....	2,500 00
Kahikinui, Hana, Maui.....	1,000 00
Purchase of Rock Crusher for District of Hana..	2,000 00
Pay Survey Road from Hanawi, Koolau, to Kai- lua, Huelo, Maui, (unpaid bills).....	500 00
To complete Homestead Road from Makena to Kula	5,000 00
Road from Olowalu to Maalaea Bay.....	2,500 00
Bridge at Olowalu.....	600 00
Road from Honolulu to Kahukuloa.....	3,000 00
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	\$ 25,900 00
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Roads and Bridges, Molokai.....	\$	2,500	00
Road from Keoele to Awalua Landing, Lanai....		500	00
Road from Puuko to Halawa, Molokai.....		3,000	00
	\$	6,000	00

ROADS AND BRIDGES, OAHU.

Honolulu	\$	100,000	00
Nuuanu Road to Pali.....		30,000	00
These Appropriations are Conditioned upon the Payment into the Treasury as Government Realization of the Road Tax for the District of Kona, Island of Oahu.			
Macadamizing Streets at Kaluaopalena, Kalihi..		1,000	00
Repairs to Houghtailing Lane.....		300	00
Macadamizing Road, Moanalua to Kapukaki....		500	00
Macadamizing Union Street, including Road Damages		6,000	00
Repairing and Widening Waialae Road and Ex- tension		2,500	00
Repairing and Macadamizing Campbell Avenue and Monsarrat Road.....		2,000	00
Widening and Macadamizing Road from Keone- ula on King Street to Insane Asylum. includ- ing Road Damages.....		5,000	00
Enlarging and Repairing Aala Road.....		500	00
Repairs Wyllie Street.....		400	00
Widening King Street east of Kalihi Bridge and New Bridge		2,000	00
Macadamizing River Street from King Street to Vineyard Street		3,000	00
Extending Kukui Street from Nuuanu to River Street		1,000	00
Ewa and Waianae.....		1,000	00
Road from Pauhala to Government Road, Ewa..		500	00

Purchase of Rock Crusher, Ewa and Waianae...	2,000 00
Waialua	3,500 00
Koolauloa	2,000 00
Koolaupoko	8,000 00
Repairs to Breakwater, Waiahole.....	500 00
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	\$ 171,700 00
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ROADS AND BRIDGES, KAUAL.

Koloa District—

Roads and Bridges, Koloa, General.....\$	96 08
Culverts and Bridges, New, Kalahea Grade.	1,500 00
New Grade Wahiawa Valley West.....	800 00
New Fill and Culvert on Lihue Road.....	500 00
Widening Grade and Wall, Wahiawa East..	1,000 00
Culverts, Lawai-Kalahea Grade.....	800 00
Wahiawa Bridge	600 00
Hanakaape Bridge	800 00
Wailana Bridge	300 00
Koloa Mill Bridge.....	300 00
Waimea	2,000 00
Hanalei	8,000 00
Bridge across Waipa Stream.....	4,000 00
Waikaiea Bridge	700 00
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	\$ 21,396 08
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Roads and Bridges, General.....\$	6,000 00
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ROAD DAMAGES.

Road Damages, all Islands.....\$	50,000 00
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GENERAL.

Electric Light, Honolulu.....	\$	12,000 00
Electric Lighting, Hilo Streets.....		4,000 00
Street Signs, Honolulu.....		500 00
Lighting Streets other than Honolulu and Hilo..		1,500 00
Running Expenses, Laundries.....		8,000 00
Curbing and Paving Government Sidewalks.....		5,000 00
Fencing and Grading Government Lots.....		2,000 00
Lights at Kailua, Keauhou and Napoopoo Land- ings		500 00
Repairing Lahaina Fish Market.....		400 00
Court House and Jail, Kipahulu.....		1,000 00
Repairs Lahaina Court House.....		1,200 00
Jailor's House, North Kohala.....		300 00
Repairs to Court House and Jail, Hookena.....		500 00
Court House and Jail, Pahala, Kau.....		400 00
Jailor's House, Hookena.....		150 00
Addition Hana Court House, Maui.....		150 00
Telephone from North Kona to South Kona on condition that a like amount be expended by Residents of the Districts.....		2,500 00
	\$	<u>40,100 00</u>

BOARD OF HEALTH.

General Expenses.....	\$	10,000 00
Medicines		9,000 00
Support and Maintenance of Hospitals.....		16,000 00
Removing Garbage		10,000 00
Support of Non-leprous Children of Lepers.....		12,000 00
Expenses under Act to Mitigate.....		1,000 00
Quarantine Expenses		10,000 00
Segregation, Support and Treatment of Lepers...		180,000 00

Kalaupapa Store	25,000 00
Expenses under Opium Act.....	5,000 00
Insane Asylum	33,600 00
Electric Plant for Insane Asylum.....	2,600 00
Aid to Kapiolani Maternity Home.....	4,800 00
(On condition of a monthly report of cases and expenses, to the Board of Health).	
Buildings to be used as home for non-leprous boys of leprous parents.....	5,000 00
	<u>\$ 324,000 00</u>

FORESTS AND NURSERIES.

Forests and Nurseries, General.....	\$ 12,000 00
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PUBLIC GROUNDS.

Public Grounds, General.....	\$ 4,000 00
Honolulu Park Commission.....	7,500 00
Incidentals and Traveling Expenses Entomologist	1,000 00
	<u>\$ 12,500 00</u>

FIRE DEPARTMENTS.

Honolulu Fire Department.....	\$ 18,550 00
Hilo Fire Department.....	2,400 00
	<u>\$ 20,950 00</u>

SUBSIDIES.

Subsidy to Queen's Hospital	\$ 20,000 00
Subsidy to Consumptive Ward Queen's Hospital.	5,000 00
(Conditioned upon the free treatment of Government Patients).	

Subsidy to Paradise of the Pacific.....	2,400 00
(Provided that at least 600 copies be sent abroad monthly, free of charge, to such addresses as the Minister of Foreign Affairs shall dictate.)	
Subsidy to Steamer between Honolulu, Maui, Mo- lokai and Lanai, on condition of its being a Steamer of not less than 120 tons burden registered	5,200 00
Subsidy to Steamer between Hilo, Pohoiki and Kahena, Hawaii, one trip a month.....	1,200 00
Telephone Communication between Pohoiki Court House, Puna, and Hilo, on condition that a like amount be expended by the Residents of the Districts, and provided that the Govern- ment shall have the free use of two instru- ments for five years.....	1,200 00
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	\$ 35,000 00
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INTERIOR DEPARTMENT, GENERAL.

Printing and Advertising.....	\$ 8,500 00
Expenses of Election.....	15,000 00
Expenses Filing Certificates of Boundaries.....	100 00
Quarantine of Diseased Animals.....	625 00
Government Pounds	500 00
Rent Custom House Lot at Kahului.....	600 00
Departmental Incidentals	3,000 00
Purchase of Lot for Oahu Prison.....	1,500 00
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	\$ 29,825 00
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RECAPITULATION.

Department of the Judiciary.....	\$ 42,375 50
Department of Foreign Affairs.....	99,655 00

Department of Finance.....	644,462 98
Customs Bureau	22,500 00
Postal Bureau	43,500 00
Tax Bureau	10,000 00
Department of the Attorney-General.....	144,200 00
Department of Public Instruction.....	136,500 00
Commission of Public Lands.....	12,000 00
Bureau of Survey.....	48,200 00
Bureau of Conveyances.....	550 00
Bureau of Immigration.....	2,500 00
Bureau of Water Works.....	59,200 00
Bureau of Public Works.....	591,663 02
Board of Health.....	324,000 00
Forest and Nurseries.....	12,000 00
Public Grounds	12,500 00
Fire Departments	20,950 00
Subsidies	35,000 00
Interior Department, General.....	29,825 00
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	<u>\$2,289,581 50</u>

SECTION 2. In the construction of all new roads or bridges and in the expenditure of all specific appropriations for repairing the roads and bridges, it shall first be necessary that the Road Boards of the several Districts in which such new work is contemplated shall approve of the same and all such work shall be under the supervision of the Road Board of the District in which such new work is being carried on, and the final acceptance of all such work by the Minister of the Interior shall be on the certificate from such Road Board that the same has been done in a good and workmanlike manner and as provided by the contract and specifications.

SECTION 3. It shall be lawful for the Minister of Finance to continue to make payments in accordance with the appropriations authorized by this Act, until the 31st day of March, A. D. 1900, and thereafter at the same rate until new appropriations are made.

SECTION 4. The Minister of Finance shall not cause or allow to be paid from the Treasury any money for the objects named in this Act, except as herein provided, and the unauthorized expenditures of any money from the Treasury to be thereafter accounted for to the Legislature by Indemnity Bill, is hereby expressly prohibited.

SECTION 5. All and every contract for constructing or repairing public works amounting to Five Hundred (\$500) Dollars, and for furnishing material, provisions and other supplies, shall be awarded only upon public advertisement for tenders; and no public work, material or supplies shall be divided or parceled out for the purpose of evading the provisions of this Section.

SECTION 6. This Act shall take effect and become law from the date of its publication.

Approved, with the exception of the following items under sub-heading:

POSTAL BUREAU.

Mail Subsidy Wilder's S. S. Co.....	\$3,000 00
Mail Subsidy Inter-Island S. N. Co.....	3,000 00

This 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 59.

AN ACT TO PROHIBIT THE ERECTION OF BARBED WIRE FENCES,
AND THE PLACING OF BARBED WIRE UPON FENCES IN CER-
TAIN PLACES.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. From and after the passage of this Act it shall be unlawful for any person to build or erect any fence made or constituted wholly or partly of barbed wire along or adjoining any public highway, or to place upon or attach to any such fence any barbed wire.

SECTION 2. Any person violating Section 1 of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be liable to pay a fine not exceeding one hundred dollars or be imprisoned at hard labor not more than one month.

SECTION 3. This Act shall take effect from the date of its publication.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 60.

AN ACT TO AMEND ACT 73 OF THE LAWS OF THE PROVISIONAL GOVERNMENT APPROVED THE 26TH DAY OF APRIL, 1894, ENTITLED "AN ACT MAKING SPECIAL APPROPRIATIONS FOR SALARIES AND PAY ROLLS DURING THE TWO YEARS WHICH WILL END WITH THE THIRTY-FIRST DAY OF MARCH, A. D. 1896."

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The following sums amounting to \$2,209,456 are hereby appropriated to be paid out of all moneys in the Treasury received from all the current receipts of the general revenue of the Republic of Hawaii for the Biennial Fiscal Period, commencing with the First day of January, A. D. 1898, and ending with the Thirty-first day of December, A. D. 1899.

SALARIES AND PAY ROLLS.

Salary of President.....	\$	24,000 00
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PERMANENT SETTLEMENTS.

Queen Dowager Kapiolani.....	\$	4,000 00
Kaiulani		6,000 00
Mrs. Emma Barnard.....		600 00
Mrs. Kamakani Simeona.....		400 00
Mrs. Kaulua		400 00
Mrs. Mary R. Stoltz.....		720 00
F. W. Fehlbehrr.....		720 00

	\$	12,840 00
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JUDICIARY.

Salary of Chief Justice.....	\$	12,000	00
Salary of First Associate Justice.....		10,000	00
Salary of Second Associate Justice.....		10,000	00
Salary of Clerk of Judiciary.....		5,400	00
Salary of Shorthand Reporters.....		9,600	00
Salary of Hawaiian Interpreters, Supreme and Circuit Courts, two at \$3,000.00 each.....		6,000	00
Salary of Chinese Interpreter and Translator....		3,600	00
Salary of Japanese Interpreter and Translator..		3,000	00
Salary of Portuguese Interpreter and Translator.		1,200	00
Pay of Interpreters in all Courts not specially provided for		3,000	00
Salary of Messengers, two at \$960.00 each....		1,920	00

FIRST CIRCUIT.

Salary of First Circuit Judge, First Circuit.....	\$	8,000	00
Salary of Second Circuit Judge, First Circuit....		8,000	00
Salary of First Clerk, First Circuit.....		3,600	00
Salary of Second Clerk, First Circuit.....		3,000	00
Salary of Third Clerk, First Circuit.....		2,400	00
Salary of Fourth Clerk, First Circuit.....		1,800	00
Salary of District Magistrate, Honolulu, 1st Class		5,000	00
Salary of Clerk and Interpreter, Honolulu Dis- trict Court		2,400	00
Salary of District Magistrate, Ewa, Fourth Class		1,680	00
Salary of District Magistrate, Koolaupoko, 6th Class		1,000	00
Salary of District Magistrate, Koolauloa, 7th Class		800	00
Salary of District Magistrate, Waialua, 7th Class		800	00
Salary of District Magistrate, Waianae, 7th Class		800	00

SECOND CIRCUIT.

Salary of Circuit Judge, Second Circuit.....\$	6,000 00
Traveling Expenses, Circuit Judge and Clerk, Second Circuit	300 00
Salary of Clerk, Second Circuit.....	1,500 00
Salary of District Magistrate, Lahaina, 3rd Class.	2,200 00
Salary of District Magistrate, Wailuku, 2nd Class	2,880 00
Salary of District Magistrate, Makawao, 3rd Class	2,200 00
Salary of District Magistrate, Hana, 4th Class..	1,680 00
Salary of District Magistrate, Kipahulu, 8th Class	600 00
Salary of District Magistrate, Honuaula, 8th Class	600 00
Salary of District Magistrate, Molokai, 6th Class.	1,000 00
Salary of District Magistrate, Lanai, 8th Class...	600 00

THIRD CIRCUIT.

Salary of Circuit Judge, 3d and 4th Circuits....\$	6,000 00
Traveling Expenses, Circuit Judge and Clerk, 3d and 4th Circuits.....	500 00
Salary of Clerk, 3d and 4th Circuits.....	2,400 00
Salary of Shorthand Reporter.....	2,000 00
Salary of District Magistrate, South Kohala, 6th Class	1,000 00
Salary of District Magistrate, North Kona, 4th Class	1,680 00
Salary of District Magistrate, North Kohala, 3d Class	2,200 00
Salary of District Magistrate, South Kona, 5th Class	1,200 00
Salary of District Magistrate, West Kau, 6th Class	1,000 00
Salary of District Magistrate, East Kau, 7th Class	800 00

FOURTH CIRCUIT

Salary of District Magistrate, South Hilo, 2d Class	\$ 2,880 00
Clerk and Hawaiian Interpreter, District Court, South Hilo	1,200 00
Salary of District Magistrate, North Hilo, 7th Class	800 00
Salary of District Magistrate, Hamakua, 3d Class	2,200 00
Salary of District Magistrate, Puna, 7th Class	800 00

FIFTH CIRCUIT.

Salary of Circuit Judge, Fifth Circuit	\$ 6,000 00
Salary of Clerk, Fifth Circuit	1,200 00
Salary of District Magistrate, Lihue, 3d Class	2,200 00
Salary of District Magistrate, Waimea, 4th Class	1,680 00
Salary of District Magistrate, Koloa, 5th Class	1,200 00
Salary of District Magistrate, Kawaihau, 6th Class	1,000 00
Salary of District Magistrate, Hanalei, 6th Class.	1,000 00
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	\$ 165,500 00
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DEPARTMENT OF FOREIGN AFFAIRS.

Salary of Minister of Foreign Affairs	\$ 12,000 00
Salary of Secretary	4,800 00
Salary of Clerks, 1 Clerk at \$2,400.00, 1 Clerk at \$2,000.00, Extra Clerks \$1,000.00	5,400 00
Salary of Clerk, Executive Council	3,000 00
Salary of Envoy at Washington	12,000 00
Salary of Secretary at Legation, Washington	8,400 00
Salary of Consul-General, San Francisco	8,000 00
Clerical Aid, San Francisco	2,400 00

Pay of Messenger, Foreign Office.....	1,200 00
Support of Military Pay Roll.....	110,000 00
Band	36,000 00
Preservation of Archives.....	3,000 00
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	\$ 206,200 00
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DEPARTMENT OF FINANCE.

Salary of Minister.....	\$ 12,000 00
Salary of Auditor-General.....	7,200 00
Salary of Deputy Auditor-General from July 1, 1898, to January 1, 1900.....	3,600 00
Clerical Assistance Auditor-General from July 1, 1898, to January 1, 1900.....	11,000 00
Salary of Registrar of Public Accounts.....	5,400 00
Salary of Clerk of Finance Office.....	3,600 00
Salary of Second Clerk and Messenger.....	1,200 00
Salary of Tax Assessor of Oahu.....	5,400 00
Salary of Tax Assessor of Hawaii.....	5,000 00
Salary of Tax Assessor of Maui.....	4,600 00
Salary of Tax Assessor of Kauai.....	4,000 00
Salaries and Commissions of Deputy Tax Asses- sors and Collectors.....	60,000 00
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	\$ 123,000 00
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POSTAL BUREAU.

Salary of Postmaster-General.....	\$ 6,000 00
Salary of Deputy Postmaster-General and Secre- tary	4,000 00
Salary of Superintendent of Postal Savings Bank	4,000 00
Salary of Superintendent of Postal Money Order Department	4,000 00

Salary of Clerks.....	33,720 00
Not to exceed	
1 Clerk at \$150.00 per month.	
1 Clerk at \$125.00 per month.	
4 Clerks at \$100.00 each per month.	
2 Clerks at \$75.00 each per month.	
3 Clerks at \$70.00 each per month.	
4 Clerks at \$50.00 each per month.	
2 Clerks at \$45.00 each per month.	
1 Clerk at \$40.00 each per month.	
2 Clerks at \$20.00 each per month.	
Pay of Postmasters.....	40,000 00
Pay of Mail Carriers.....	38,000 00
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	\$ 129,720 00
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BUREAU OF CUSTOMS.

Salary of Collector-General.....	\$ 6,000 00
Salary of Deputy Collector, Port of Honolulu...	5,400 00
Salary of 3 Entry Clerks.....	7,800 00
Salary of 3 Statistical Clerks.....	8,400 00
Salary of Port Surveyor, Honolulu.....	4,000 00
Salary of Storekeeper.....	2,400 00
Pay of Appraisers and Examiners:	
Appraiser	4,200 00
Assistant Appraiser	3,000 00
Salary of Customs Gauger and Tester.....	3,000 00
2 Examiners	4,800 00
Appraiser's Storekeeper	2,400 00
Pay of Chinese and Japanese Invoice Inspectors.	2,400 00
Salary of 3 Pilots, Honolulu, each \$4,800.00....	14,400 00
Pay of Assistants, Custom Warehouses.....	7,200 00

Pay of Customs Inspectors, Honolulu.....	20,000 00
Pay of Customs Guards, Honolulu.....	27,500 00
Salary of 1 Pilots' Watchman, Diamond Head...	1,800 00
Salary of 1 Pilots' Watchman, Pilots' Office....	1,440 00
Pay Roll Pilots' Boats.....	5,000 00
Pay of Assistant Guards, All Ports.....	8,000 00
Salary of Collector, Kahului.....	3,000 00
Salary of Port Surveyor, Kahului.....	2,000 00
Pay of Customs Guards and Inspectors, Maui....	4,320 00
Salary of Collector, Hilo.....	3,000 00
Salary of Port Surveyor, Hilo.....	2,000 00
Pay of Customs Guards and Inspectors, Hawaii..	4,320 00
Salary of Collector, Mahukona and Honoipu....	1,800 00
Salary of Collector, Waimea and Koloa.....	400 00
Salary of Collector, Kailua and Kealakekua....	400 00
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	\$ 160,380 00
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DEPARTMENT OF THE ATTORNEY-GENERAL.

Salary of Attorney-General.....	\$ 12,000 00
Salary of Deputy Attorney-General.....	6,000 00
Assistant to Attorney-General.....	3,600 00
Salary of Clerk to the Attorney-General's Department	3,600 00
Salary of Marshal.....	6,000 00
Salary of Clerk to Marshal.....	3,600 00
Salary of Deputy Marshal.....	4,200 00
Salary of Jailor, Oahu Prison.....	3,600 00
Salary of Sheriff of Hawaii.....	5,000 00
Salary of Sheriff of Maui.....	4,500 00
Salary of Sheriff of Kauai.....	4,000 00
Salary of Clerk to Sheriff, Hawaii.....	1,800 00

Salary of Clerk to Sheriff, Maui.....	1,800 00
Salary of Clerk to Sheriff, Kauai.....	800 00
Salary of Deputy Sheriff, Hawaii.....	3,600 00
Salary of Deputy Sheriff, North Kohala.....	2,400 00
Salary of Deputy Sheriff, South Kohala.....	1,200 00
Salary of Deputy Sheriff, Hamakua.....	2,400 00
Salary of Deputy Sheriff, North Hilo.....	1,440 00
Salary of Deputy Sheriff, North Kona.....	2,400 00
Salary of Deputy Sheriff, South Kona.....	1,800 00
Salary of Deputy Sheriff, Kau.....	2,040 00
Salary of Deputy Sheriff, Puna.....	1,440 00
Pay of Police, Hawaii.....	55,000 00
Salary of Deputy Sheriff, Maui.....	3,000 00
Salary of Deputy Sheriff, Makawao.....	2,400 00
Salary of Deputy Sheriff, Lahaina.....	1,920 00
Salary of Deputy Sheriff, Hana.....	1,920 00
Salary of Deputy Sheriff, Molokai.....	1,600 00
Pay of Police, Maui.....	30,000 00
Salary of Deputy Sheriff, Kauai.....	3,000 00
Salary of Deputy Sheriff, Kawaihau.....	1,560 00
Salary of Deputy Sheriff, Hanalei.....	1,560 00
Salary of Deputy Sheriff, Koloa.....	1,560 00
Salary of Deputy Sheriff, Waimea.....	2,400 00
Pay of Police, Kauai.....	18,000 00
Salary of Deputy Sheriff, Koolaupoko.....	1,200 00
Salary of Deputy Sheriff, Koolauloa.....	1,200 00
Salary of Deputy Sheriff, Waialua.....	1,200 00
Salary of Deputy Sheriff, Waianae.....	1,200 00
Salary of Deputy Sheriff, Ewa.....	1,800 00
Pay of Police, Oahu.....	135,000 00
Salary of 2 Clerks, Receiving Station.....	2,880 00
Salary of Supreme Court Officer.....	2,160 00
Salary Hack Inspector.....	2,400 00

Salary of Physicians, Receiving Station and Prison	2,400 00
Pay of Jailors, Guards and Lunas of Prisoners..	55,000 00
Salary of Keeper of Kerosene Warehouse.....	1,800 00
Salary of Keeper of Powder Magazine.....	1,200 00
Salary of Stenographer to Department.....	3,000 00
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	\$ 415,580 00
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DEPARTMENT OF PUBLIC INSTRUCTION.

Salary of Inspector-General of Schools.....\$	6,000 00
Traveling Expenses for Inspector-General.....	500 00
Salary of Deputy Inspector and School Agent, Honolulu	900 00
Salary of Traveling Normal Instructor.....	6,000 00
Traveling Expenses Normal Instructor.....	500 00
Salary of Secretary of Department.....	3,600 00
Salary of Assistant Secretary and School Agent District of Honolulu, Oahu.....	3,000 00
Salary of Messenger and Book Clerk.....	1,800 00
Support of Public Schools, Pay Roll.....	450,000 00
Salaries of School Agents.....	4,500 00
Salary of Superintendent of Industrial School..	2,400 00
Salary of Matron of Industrial School.....	1,800 00
Pay of Guards of Industrial School.....	1,800 00
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	\$ 482,800 00
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DEPARTMENT OF INTERIOR.

Salary of Minister.....\$	12,000 00
Salary of Chief Clerk.....	5,400 00
Salary of First Assistant Clerk.....	4,800 00

Salary of Second Assistant Clerk.....	3,600 00
Salary of Third Assistant Clerk.....	3,000 00
Salary of Fourth Assistant Clerk and Copyist....	2,400 00
Salary of 2 Messengers, \$1,200.00 each.....	2,400 00
Salary of Clerk of Land Records and Copying Patents	1,800 00
Salary of Electoral Registrar.....	1,200 00
Salary of Veterinary Surgeon.....	1,200 00
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	\$ 37,800 00
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COMMISSION OF PUBLIC LANDS.

Salary of Land Agent.....	\$ 6,000 00
Salary of Secretary and Sub-Agent, 5th Land District	4,200 00
Salary of Clerk.....	2,400 00
Salary of Assistant Clerk, Copyist and Type- writer	1,200 00
Pay of Sub-Agent, 1st District.....	3,000 00
Pay of Clerk, 1st District.....	1,200 00
Pay of Sub-Agent, 2nd District.....	1,200 00
Pay of Sub-Agent, 3rd District.....	960 00
Pay of Sub-Agent, 4th District.....	1,200 00
Pay of Sub-Agent, 6th District, not to exceed....	720 00
Pay of Ranger, 1st Land District.....	1,200 00
Pay of Ranger, 2nd Land District.....	720 00
Pay of Ranger, 3rd Land District.....	720 00
Pay of Ranger, 4th Land District.....	720 00
Pay of Ranger, 5th Land District.....	720 00
Pay of Ranger, 6th Land District.....	720 00
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	\$ 26,880 00
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BUREAU OF SURVEY.

Salary of Surveyor-General.....	\$	6,000 00
Salary of Chief Assistant, in charge of Office....		5,400 00
Salary of First Assistant.....		4,800 00
Salary of Second Assistant.....		4,200 00
Salary of Third Assistant.....		2,700 00
Salary of Draftsman.....		2,100 00
Salary of Aid.....		1,200 00
Salary of Messenger.....		960 00
	\$	<u>27,360 00</u>

REGISTRAR OF CONVEYANCES.

Salary of Registrar.....	\$	5,400 00
Salary of Deputy Registrar and Copyist.....		3,000 00
Salary of 5 Copyists, one each at \$75.00; \$65.00; 2 at \$50.00 and one at \$40.00 each per month		6,720 00
	\$	<u>15,120 00</u>

BUREAU OF IMMIGRATION.

Salary of Inspector.....	\$	4,800 00
Salary of Secretary.....		3,000 00
	\$	<u>7,800 00</u>

BUREAU OF WATER WORKS.

Salary of Superintendent of Honolulu Water Works and Clerk of Market.....	\$	5,400 00
Salary of Clerk.....		3,600 00
Salary of Assistant Clerk.....		1,200 00

Pay of Reservoir Keepers.....	2,640 00
Pay of Plumber and Assistant.....	2,640 00
Pay of Tap Inspector.....	2,184 00
Pay of Shipping Tenders.....	1,200 00
Pay of Market Keeper.....	720 00
Pay of Assistant Market Keeper.....	600 00
Salary of Superintendent Wailuku and Kahului Water Works for 12 months if said Works are Established	420 00
Salary of Superintendent of Hilo Water Works..	1,800 00
Salary of Superintendent of Laupahoehoe Water Works	40 00
Salary of Superintendent of Koloa Water Works	50 00
Salary of Two Engineers.....	6,000 00
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	\$ 28,494 00
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BUREAU OF PUBLIC WORKS.

Salary of Superintendent.....	\$ 6,000 00
Salary of Road Engineer.....	4,800 00
Salary of Bookkeeper.....	3,600 00
Salary of Draughtsman and Assistant Superin- tendent	3,000 00
Salary of Clerk.....	1,800 00
Salary of Harbor Master.....	6,000 00
Salary of Road Supervisor, Honolulu.....	4,800 00
Roads and Bridges, Honolulu, Pay Roll.....	26,664 00
Steam Tug, Pay Roll.....	13,200 00
Electric Light, Regular Pay Roll: One Inspec- tor at \$150.00 per month, Two dynamo men, 1 at \$80.00 and 1 at \$65.00, \$145.00 per month; One lineman at \$65.00 per month, One station keeper at \$55.00 per month, Two trimmers at \$55.00 each per month.....	12,600 00

Pay of Light House Keepers.....	8,920 00
Pay of Keeper of Wharf and Buoys, Lahaina....	240 00
Pay of Gunpowder Keeper, Hilo.....	50 00
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	\$ 91,674 00
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BOARD OF HEALTH.

Salary of Secretary	\$ 4,000 00
Pay of Government Physicians.....	36,000 00
General Expenses, Pay Roll.....	18,960 00
Non-Leprous Children, Pay Roll.....	2,400 00
Removing Garbage, Pay Roll.....	10,800 00
Keeper Quarantine Station.....	1,200 00
Maintenance of Hospitals, Pay Roll.....	13,000 00
Act to Mitigate, Pay Roll.....	3,150 00
Segregation of Lepers, Pay Roll.....	38,400 00
Salary of Superintendent of Insane Asylum....	3,600 00
Pay of Assistants, Insane Asylum.....	23,664 00
Salary of Food Commissioner, 18 months.....	3,150 00
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	\$ 158,324 00
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FORESTS AND NURSERIES.

Pay of Commissioner.....	\$ 4,200 00
Pay of Entomologist.....	4,000 00
Pay of Gardener, Nursery.....	2,040 00
Pay of Forester	2,040 00
Pay of Laborers, Makiki and Nuuanu.....	5,400 00
Pay of Laborers, Nurseries.....	1,080 00
Pay of Chief Forester from July 1, 1898 to Janu- ary 1, 1900.....	3,600 00
Pay of Expert Forester.....	1,500 00
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	\$ 23,860 00
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PUBLIC GROUNDS.

Pay Roll, Government Buildings.....	\$ 4,944 00
Pay Roll, Makiki and River Parks.....	2,040 00
Pay Roll, Thomas and Emma Squares.....	2,040 00
Salary Keeper Mausoleum and Grounds.....	780 00
Salary of Janitor and Keeper, Executive and Judiciary Grounds and Buildings.....	2,400 00
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	\$ 12,204 00
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FIRE DEPARTMENTS.

Honolulu Fire Department, Regular Pay Roll...\$	59,040 00
(Expenditures under this Appropriation are made subject to the Approval of the Min- ister of the Interior.)	
Pay of Steward, Watchman and Engineer, Hilo Fire Department	1,080 00
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	\$ 60,120 00
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RECAPITULATION.

Salary of President.....	\$ 24,000 00
Permanent Settlements	12,840 00
Judiciary	165,500 00
Department of Foreign Affairs.....	206,200 00
Department of Finance.....	123,000 00
Postal Bureau	129,720 00
Bureau of Customs.....	160,380 00
Department of the Attorney-General.....	415,580 00
Department of Public Instruction.....	482,800 00
Department of the Interior.....	37,600 00

Commission of Public Lands.....	26,880 00
Bureau of Survey.....	27,360 00
Registry of Conveyances.....	15,120 00
Bureau of Immigration.....	7,800 00
Bureau of Water Works.....	28,494 00
Bureau of Public Works.....	91,674 00
Board of Health.....	158,324 00
Forest and Nurseries.....	23,860 00
Public Grounds	12,204 00
Fire Departments	60,120 00
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	\$2,209,456 00
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SECTION 2. It shall be lawful for the Minister of Finance, to continue to make payments, in accordance with the appropriations, authorized by this Act, until the Thirty-first day of March, A. D. 1900, and thereafter at the same rate until new appropriations are made.

SECTION 3. The Minister of Finance shall not cause or allow to be paid from the Treasury any money for the objects named in this Act, except as herein provided, and the unauthorized expenditure of any money from the Treasury, to be thereafter accounted for to the Legislature by Indemnity Bill, is hereby expressly prohibited.

T SECTION 4. No person holding more than one office, shall be authorized to draw more than the salary of the highest grade of office held by him, if the salary of any office held by him shall amount to Eighteen Hundred Dollars or more per annum, and shall be entitled to no other or further compensation.

J SECTION 5. The Minister of Finance shall not pay or allow to be paid from the Treasury any sum on account of any item

of this Act in excess of the due proportion of the amount appropriated for such item for the time elapsed. Provided, however, that the Executive Council may authorize the Minister of Finance to pay, on the requisition of the head of any Department, moneys in excess of such proportion.

SECTION 6. This Act shall take effect and become law from the date of its publication.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE.
President of the Republic of Hawaii.

ACT 61.

AN ACT TO AUTHORIZE LICENSES FOR THE RETAIL OF WINES,
BEERS AND ALES OF LOW ALCOHOLIC STRENGTH.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The Minister of the Interior is hereby authorized and empowered, with the approval of the Executive Council to issue licenses for the term of one year to any applicant for sale at retail only by the glass or single bottle of Wines, manufactured from grapes not to exceed Eighteen per cent. of alcoholic strength, and of Beers and Ales, in the same manner not to exceed eleven per cent. of alcoholic strength, all such Wines to be unmixed with any ingredients or material injurious to health.

Not more than three of such licenses shall be issued for each of the Judicial Districts in the Republic, provided, however, that in any District, town or place in which there is a

license in existence for the selling at retail of spirituous liquors and the business of vending spirituous liquors at retail is actually carried on no such license shall be issued within two miles from the place where business is being carried on under such license. Provided, however, that Nuuanu Valley, Waikiki and Kalihi in the District of Kona, Island of Oahu shall for the purposes of this Act be each considered a Judicial District.

SECTION 2. Before the granting of a license under this Act, the licensee shall pay to the Minister of the Interior, the sum of Two Hundred Dollars as such license fee, and shall file with such Minister a bond in the penal sum of Five Hundred Dollars (\$500.00) conditioned to faithfully carry out and abide by the terms and conditions of law and of the license, with not less than one sufficient surety to be approved by said Minister. No person holding any interest in any license for the sale of wines, beers or spirits, shall be received as surety on such bond.

SECTION 3. The license by this Act authorized, shall be issued only to the person or persons, who are in the actual active management and control of the business carried on thereunder, and who are also the actual owners thereof, and shall not be issued to any person holding a wholesale, jobbing or retail license for the sale of spirituous liquors or to any person holding a license for the sale of imported goods, wares and merchandise. The license shall authorize the licensee to sell and dispose of the beverages by this Act allowed, only between the hours of seven o'clock in the morning and eight o'clock at night, on every day except Sundays, subject to being closed by the Marshal or his Deputy or by any Sheriff or Deputy Sheriff upon election days and at any other time when in the opinion of such officer the preservation of public order may for the time being require it.

SECTION 4. Such license shall contain among other rules and regulations the conditions that no liquor other than that allowed by the terms of the license to be sold, shall be permitted in the building or on the premises wherein the licensee is authorized to sell wines, beers and ales; that the Marshal or his Deputy or any Sheriff or Deputy Sheriff or Police Captain shall at all times and without search warrant, have the right to enter the premises and examine and search the same, for any spirituous or intoxicating liquor not permitted by the license, and, if found, to take and carry away the same, and also to take samples of any wine, beer or ale or other beverage on the premises and carry away the same for the purpose of analysis.

SECTION 5. The vending of wines, beer and ale shall be regulated more definitely by the terms of the license, and the Minister of the Interior may prescribe in the license, definite rules and regulations to be observed by the vendor.

SECTION 6. All persons applying for license under the provisions of this Act, shall before receiving the same, file a bond (in form similar to the following) the same being always subject to the approval of the Minister of the Interior:

“Know all men by these presents, that we..... principal, and..... surety, are held and firmly bound unto the Minister of the Interior, for the use of the Republic of Hawaii in the penal sum of Five Hundred Dollars, to be levied on our respective joint and several property in case the conditions hereinafter set forth shall be violated. For the just and full payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

“Sealed with our seals and dated this day of..... 189..

“The condition of this obligation is as follows:

“That whereas the above bounden.....has this day applied for a license to retail wines, beers and ales in accordance with the law approved on the....day of....., 189., entitled ‘An Act to authorize Licenses for the retail of wines, beers and ales of low alcoholic strength’ and has complied with all the requisitions of law, and has consequently been granted a license to retail wines, beers and ales, in accordance with such law, for the term of one year from date. Now, therefore, if during the continuance of this license, the said.....shall faithfully observe and abide by all of the terms and conditions of said license and of said law, and all rules and regulations prescribed by the Minister of the Interior and shall not be convicted of felony, perjury or other infamous offense, or of any offense against or violation of the revenue laws, or of any other offense under the said statute involving a forfeiture of the said license, a copy of which is hereto annexed, then this obligation shall be void. Otherwise upon proof being made to the satisfaction of a District Magistrate without the intervention of a jury, the penalty mentioned in the bond shall be forfeited, and the license of the said.....this day granted shall be void.

‘Given under our hands and seals, the day and year above written.

“In the presence of }”
 }

SECTION 7. Whenever any person by excessive drinking of spirituous or intoxicating liquor, mis-spends, wastes or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family or become a nuisance to the public, or has twice been convicted of having been drunk in any public place from the

voluntary use of intoxicating liquor within twelve months then last past, the husband, wife, son, daughter, brother, sister, parent or guardian of such person, or the District Magistrate of the District, or the Circuit Court Judge of the Circuit in which such person resides, or the Sheriff of the Island, or any Deputy Sheriff, may notify in writing any licensee or licensees under this Act not to sell any wines, beers or ales to such person for the term of one year thereafter, and the serving of such notice, shall be *prima facie* evidence of the receipt thereof by such licensee or licensees.

SECTION 8. If any holder of a license under this Act, after receiving a notice as set forth in the preceding Section shall sell or furnish any wines, beers or ales to such person who by excessive drinking mis-spends, wastes or lessens his or her estate or greatly injures his or her health or endangers or interrupts the peace and happiness of his or her family, or become nuisance to the public, or has twice been convicted within twelve months then last past of having been drunk in a public place from the voluntary use of intoxicating liquor; or shall sell any spirituous or intoxicating liquor on Sunday, or shall furnish on Sunday to any one with or without pay, any spirituous or intoxicating liquor at his place of business, or shall sell any spirituous or intoxicating liquors of higher grades than are authorized by this Act, or shall sell any spirituous or intoxicating liquors mixed or adulterated with any material injurious to health, or shall sell or furnish any spirituous or intoxicating liquor to any children or drunken person, or shall suffer any person to play any unlawful game or sport within the said licensed premises or the appurtenances thereto, or suffer any one to play at billiards or any other game upon said premises on Sunday, or shall permit prostitutes or drunken or disorderly persons to frequent said premises or to remain thereon, or shall violate any provision of this Act or any condition of

his license, such licensee shall be punished by a fine of not less than Two Hundred Dollars nor more than Five Hundred Dollars, or by imprisonment at hard labor not exceeding six months, and in the discretion of the Judge or Magistrate having jurisdiction of the offense before whom the conviction is had, his license under this Act may be revoked, and, in case of any subsequent conviction under the provisions of this Act within twelve months after a prior conviction, the license of such licensee shall be revoked.

SECTION 9. Jurisdiction is hereby conferred upon all District Magistrate to hear and determine all prosecutions authorized under the provisions of this Act.

SECTION 10. For the purposes of this Act, the terms "spirituous liquors" shall mean any wines, spirits, ales, cider, perry, beer or other fermented or distilled liquors and all liquors of an intoxicating nature. "Sundays" shall mean the time between eight of the clock in the evening of Saturday and seven of the clock in the morning of the succeeding Monday.

SECTION 11. This Act shall take effect from and after the date of its approval.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 62.

AN ACT TO AMEND SECTION 3 OF ACT 45 OF THE SESSION LAWS OF 1896, ENTITLED "AN ACT TO DEFINE THE PROCEDURE IN ACTIONS OF CONDEMNATION UNDER THE RIGHT OF EMINENT DOMAIN."

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 3 of Act 45 of the Session Laws of 1896 is hereby amended so as to read as follows:

"Section 3. Property which may be taken by virtue of this Act includes: All real estate belonging to any person or persons, or corporations, together with all structures and improvements thereon, franchises or appurtenances thereunto belonging, water, water rights and easements, also all property heretofore appropriated to some public use; provided, however, that in such case it must appear that the use to which said property is sought to be put is a more necessary public use than that to which it has already been appropriated."

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 63.

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE USE OF
THE GOVERNMENT DURING THE TWO YEARS WHICH WILL
END WITH THE 31ST DAY OF DECEMBER, A. D. 1899.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. The following sums amounting to \$1,349,316.28 are hereby appropriated out of any moneys which will be received by the Treasury during the biennial period ending December 31, A. D. 1899, from the Loan authorized by an Act passed by the Legislature of 1896, entitled "An Act to provide for Public Loans" and out of any moneys now in the Treasury or which may hereafter be received by the Treasury from any surplus receipts from deposits in the Postal Savings Bank, and from any balance in hand from the Loan Fund from whatever source, on the 31st day of May, A. D. 1898.

Provided, however, that any moneys advanced from current receipts or from deposits in the Postal Savings Bank for the objects named may, as soon as practicable, be reimbursed from moneys obtained from such loan.

SECTION 2.

INTERIOR DEPARTMENT.

Harbor Improvement, Honolulu.....\$225,000 00

(Provided that no money from this Appropriation shall be spent in the erection of a retaining wall across the mouth of the Nuuanu stream nor in changing the present course or flow of the Nuuanu stream as it flows into Honolulu Harbor.)

Breakwater and Wharf, Hilo Bay.....	50,000 00
New Wharf at Papiha, Nahiku, and Approaches..	5,000 00
Sewerage for Hilo Streets.....	4,000 00
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	\$284,000 00
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NEW ROADS, HAWAII.

Hamakua—

Waipio Grade	\$ 6,000 00
Upper Road to Waimea.....	12,000 00
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	\$ 18,000 00
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North Hilo—

Kahuku to Papaaloa.....	\$ 45,000 00
Waipunalei, Kuaia and Paana.....	5,000 00
Waikaumalo and Maulua Homesteads.....	5,000 00
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	\$ 55,000 00
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Hilo—

Custom House and Post Office, Hilo.....	\$ 12,000 00
Widening and Extending Hilo Streets.....	10,000 00
Homestead Roads (Kaiwiki, Kaumana and Pono- hawai)	20,000 00
New Bridge, Wailuku River, Hilo.....	10,000 00
New Bridge, Waiakea River, Hilo.....	5,000 00
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	\$ 57,000 00
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Puna—

Extension of Upper Puna Road from Kekee to Kalapana	\$ 10,000 00
Cross Road at or near 14½ miles on Volcano Road 2½ miles Cross Road, and 12½ miles parallel to Volcano Road	2,500 00 30,000 00
Pack Trails in Olaa Cross Roads, 10 miles.	10,000 00
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	\$ 52,500 00
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Kau—

Waiohinu to South Kona.	\$ 12,000 00
Punaluu to Hilea Road.	3,000 00
Volcano Road to Pahala.	15,000 00
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	\$ 30,000 00
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South Kona—

Wharf, Hoopuloa	\$ 800 00
Extension to Kau.	10,000 00
Grading and Building Road from Hoopuloa Landing to Upper Government Road.	4,000 00
Honaunau, Upper Road to Road to Napoopoo Landing at Kihei.	5,000 00
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	\$ 19,800 00
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North Kona—

Huehue to South Kohala.	\$ 8,000 00
Road from Keauhou to the Upper Road.	10,000 00
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	\$ 18,000 00
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South Kohala—

Waimea to North Kona.....	\$	8,000	00
Road, Waimea to Kawaihae.....		8,000	00
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	\$	16,000	00
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North Kohala—

Road from Puakea to Mahukona.....	\$	5,000	00
Purchase of Rock Crusher for Kohala.....		2,000	00
		<hr/>	
	\$	7,000	00
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NEW ROADS, MAUI.

Hana—

Nahiku Landing to Homesteads.....	\$	5,000	00
Hana to Hanawai Gulch, through Nahiku Home- steads and Branches.....		25,000	00
Mokolau to Kipahulu.....		8,000	00
New Road from Kailua to Hanawai, Nahiku....		36,000	00
Water Works, Wailuku and Kahului.....		30,000	00
Kapalipilo to Nahiku.....		1,000	00

Makawao—

Kula Homesteads to Makawao.....		5,000	00
Keokea-Kihehi Road and Branches.....		10,000	00
		<hr/>	
	\$	120,000	00
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ROADS AND BRIDGES, KAUAI.

Moloaa Grade and Bridge.....	\$	8,000	00
Lawai Road		2,500	00
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	\$	10,500	00
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ROADS AND BRIDGES, OAHU.

New Bridge, Kipapa Gulch, Ewa.....	\$ 1,500 00
Bridge at Lauhulu, Waialua.....	4,000 00
New Street from Leleo Soap Works, King Street, to connect with Vineyard Street extension including Road Damages.....	5,000 00
Construction of Puunui Road and Extension of Liliha Street	5,000 00
Stone Wall, Banking of Pauoa Stream.....	3,000 00
Macadamizing West Manoa Road.....	5,000 00
Widening and Completing Beretania Street, from Tramway Stable to Kapahulu Road.....	13,000 00
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	\$ 36,500 00
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MISCELLANEOUS.

New Lighthouses and Lights—

Completion Diamond Head.....	\$ 4,000 00
(Not to exceed \$2,500.00 thereof to be first expend- ed in erecting a substantial stone tower for support to such light).	
Makapuu	10,000 00
Lighthouse at Kailua, North Kona.....	500 00
Court House at Kailua, North Kona.....	2,500 00
Sewerage of Honolulu.....	257,000 00
Kalihi Pumping Plant.....	60,000 00
Improvements Nuuanu Stream, including Land Damages	25,000 00
Additions to Water Works, Honolulu—	
Additions to Pipe System.....	\$65,000 00
Reservoir Diamond Head.....	20,000 00
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	85,000 00

Addition to Water Pipe System, Hilo.....	10,000 00
Fire Proof Vault, Supreme Court.....	3,000 00
Fire Proof Rooms—	
Survey Office	3,500 00
Land Office	2,000 00
Hilo Court Records.....	1,500 00
Wailuku Court Records.....	1,500 00
Lihue Court Records.....	1,500 00
Immigration other than Asiatics.....	50,000 00
New School Houses and Teachers' Cottages (Unpaid Bills)	1,120 19
New Court House and Site, Koloa, (Unpaid Bills).	62 56
New Breakwater and Wharf, Hilo, (Unpaid Bills)	8,288 52
Harbor Improvements, Honolulu, (Unpaid Bills)..	20,076 28
New Roads, North Hilo.....	200 00
New Roads, Puna (Unpaid Bills).....	6 40
New Roads, Kau, (Unpaid Bills).....	273 40
New Roads, Nuuanu Pali, (Unpaid Bills).....	145 86
Addition to Water Works, Hilo, (Unpaid Bills)..	173 88
Light House and Light, Diamond Head, (Unpaid Bills) .	3,730 19
Light House and Light, Kohala Point (Unpaid Bills) .	15 00
Light House and Light, Makahanaloa, (Unpaid Bills) .	15 00
Addition to Water Works, Kalaupapa.....	20,000 00
Subsidy Oahu Railroad	53,900 00
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	\$625,016 28
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SECTION 3. In the construction of all new roads or bridges and in the expenditure of all specific appropriations for repairing roads and bridges it shall first be necessary that the

road boards of the several districts in which such new work is contemplated shall approve of the same, and all such work shall be under the supervision of the road board of the district in which such new work is being carried on, and the final acceptance of all such work by the Minister of the Interior shall be on the certificate from such road board that the same has been done in a good and workmanlike manner and as provided by the contract and specifications.

SECTION 4. It shall be lawful for the Minister of Finance to continue to make payments in accordance with the appropriations authorized by this Act from any unexpended balance until the 31st day of March, A. D. 1900.

SECTION 5. Every contract for constructing public works or for furnishing material therefor amounting to Five Hundred Dollars shall be awarded only upon public advertisement for tenders; and no public work or requirement for material therefor shall be divided or parceled out for the purpose of evading the provisions of this Section.

SECTION 6. This Act shall take effect from the date of its publication.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 64.

AN ACT TO AMEND SECTION 7 OF CHAPTER 35, SESSION LAWS OF 1888 AND SECTION 11A OF CHAPTER 45, SESSION LAWS 1890, BOTH BEING ACTS "TO AMEND AND CONSOLIDATE THE LAW RELATING TO POUNDS, ESTRAYS, BRANDS AND MARKS," APPROVED RESPECTIVELY THE 11TH DAY OF AUGUST, 1888, AND THE 24TH DAY OF OCTOBER, 1890.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 7, Chapter 35 of the Session Laws of 1888 is hereby amended so as to read as follows:

"Section 7. It shall be the duty of every Pound Master to post written or printed notices at the Post Office (if there be one in the District) and at not less than two other public places in his district, in the Hawaiian and English languages, and to publish a notice in any newspaper which may be issued in his district, in said languages as soon as possible after the impounding of any estray, giving a full description of the same together with an announcement of the day on which it will be sold at public auction if unclaimed, for which notices he shall receive one dollar and fifty cents to be charged pro rata according to the number of animals advertised therein.

And the Pound Master shall also, forthwith upon the impounding of any animal notify in writing every person who shall have left with him a copy of his brand or mark of any estray bearing the said brand or mark which shall be committed to his pound, for each which notice he shall receive twenty-five cents, and if the owner does not claim such estray and pay the pound fees, together with the charges for advertising and notifying and the damages claimed for trespass and ex-

pense of driving within twelve days from the date of impounding or at any time before sale, the Pound Master shall sell such estray at public auction to the highest bidder at noon of the first Saturday ensuing after the expiration of the twelfth day aforesaid."

SECTION 2. Section 11A, Chapter 45, Session Laws of 1890, is hereby amended so as to read as follows:

"Section 11A. If any animal mentioned in Section 9 of this Act shall trespass or stray upon any of the Government roads in and around the City of Honolulu, town of Hilo and District, Hawaii, towns of Wailuku and Lahaina, Maui, or upon any Government road bounded on both sides by a legal fence, or upon any Government land, in this Republic, the Minister of the Interior or road authorities of the several Districts or such person or persons that may be thereunto authorized in writing by such Minister or road authorities are hereby authorized to take up such animal and to impound the same in accordance with the provisions of this Act. The owner or owners of such animals so taken up or impounded shall pay to the said Minister or road authorities or such person as may be authorized by him or them as aforesaid the sum of not more than twenty-five cents for each animal so trespassing as expenses incurred in taking up, driving and impounding said animal together with all pound fees as provided in this Act. And in case the said charges and pound fees are not paid, the animals impounded shall be sold at public auction as provided by Section 7 of this Act."

SECTION 3. This Act shall take effect from and after the date of its publication.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 65.

AN ACT RELATING TO THE CONSOLIDATION OF THE PUBLIC DEBT OF THE REPUBLIC OF HAWAII AND TO AMEND SECTIONS 2 AND 12 AND TO REPEAL SECTION 5 OF ACT 68 OF THE SESSION LAWS OF 1896, ENTITLED "AN ACT TO AUTHORIZE THE CONSOLIDATION OF THE PUBLIC DEBT OF THE REPUBLIC OF HAWAII."

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 2 of Act 68 of the Session Laws of 1896 is amended so as to read as follows:

"Section 2. The Bonds, the issue whereof is hereby authorized, may be issued from time to time as the Minister of Finance, with the approval of the Executive Council, may deem expedient, and shall bear interest, payable semi-annually, at such rates not exceeding five per cent. per annum, and be redeemable at such date not less than ten nor more than fifty years from the date of issue as the Minister of Finance, for the time being, with the approval of the Executive Council, may determine."

SECTION 2. Section 5 of Act 68 of the Session Laws of 1896 is hereby repealed.

SECTION 3. Section 12 of Act 68 of the Session Laws of 1896 is hereby amended so as to read as follows:

"Section 12. All bonds issued under the authority of this Act may be redeemed at any time after ten years by the Government of the said Republic by payment of the amount of such bonds upon giving six months previous notice of its

intention to so redeem them. Notice under this Section shall be deemed to have been given after the same shall have been inserted six times each in two daily and four times each in two weekly or semi-weekly papers published in the metropolis or capital city of this Republic.”

SECTION 4. This Act shall take effect from and after the date of its publication.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 66.

AN ACT TO AMEND SECTIONS 527 AND 530 OF THE CIVIL CODE AS AMENDED BY CHAPTER 10 OF THE SESSION LAWS OF 1878 AND BY ACT 52 OF THE SESSION LAWS OF 1896.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. That Section 527 of the Civil Code be and the same is hereby amended so that the same shall read as follows:

“Section 527. There shall be and are hereby created the following Ports of Entry and Departure of Vessels:

“Honolulu in the Island of Oahu; Lahaina, Hana and Kahului in the Island of Maui; Palaau in the Island of Molokai; Hilo, Honoipu, Mahukona, Kealakekua and Kailua in the Island of Hawaii; Koloa, Waimea and Makaweli in the Island of Kauai; the said ports of Waimea and Makaweli shall be treated as one port of entry, and designated the port of Wai-

mea; but in passing from port to port, or in any other manner, no foreign vessel shall engage in the coasting trade in this Republic."

SECTION 2. That Section 530 of the Civil Code be and the same is hereby amended so that the same shall read as follows:

"Section 530. The Hawaiian Islands shall be divided into the following Collection Districts: The Island of Hawaii into three, to be called the Districts of Hilo, Kohala and Kona. The Collection District of Hilo shall comprise all those portions of Hawaii known as Kau, Puna and Hilo; the Collection District of Kohala, all those known as Hamakua and Kohala, and the Collection District known as Kona, all that known as North and South Kona. Of the Islands of Maui, Lanai and Kahoolawe, the Collection District of Lahaina shall comprise the Island of Lanai and the District of Lahaina; the District of Wailuku shall comprise the Taxation Districts of Makawao, Hana and Wailuku. The Island of Molokai shall be known as the Collection District of Palaau. The Island of Oahu shall be known as the Collection District of Honolulu. The Islands of Kauai and Niihau shall be known as the Collection District of Koloa."

SECTION 3. This Act shall take effect and become a law at the date of its approval.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 67.

AN ACT RELATING TO CIRCUIT JUDGES, AND PROVIDING FOR THE APPOINTMENT OF A PERSON TO PERFORM THE DUTIES OF THE OFFICE DURING THE ABSENCE OR TEMPORARY DISQUALIFICATION OF A CIRCUIT JUDGE, AND AMENDING SECTIONS 30 AND 34 CHAPTER 57 OF THE LAWS OF 1892, ENTITLED "AN ACT TO REORGANIZE THE JUDICIARY DEPARTMENT," AND REPEALING ACT 23 OF THE LAWS OF 1898.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. In case of the temporary disability or absence from the country of any Circuit Judge, some other person may be appointed by the President to perform the duties of the office while such disability or absence continues.

The commission of every such person so appointed may be revoked at any time by the President at his discretion.

SECTION 2. The provisions of this Act shall not be construed to conflict with the provisions of Section 45 of Chapter 57 of the Laws of 1892, entitled "An Act to Reorganize the Judiciary Department," by which the Judge of some other circuit may preside at the trial of a cause or term of the Circuit Court when so requested by the Chief Justice.

SECTION 3. Act 23 of the Laws of 1898 is hereby repealed.

SECTION 4. This Act shall take effect from the date of its publication.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 68.

AN ACT TO AMEND SECTION 2 OF CHAPTER LXXX. OF THE SESSION LAWS OF 1892, AND TO REPEAL ACT 15 OF THE SESSION LAWS OF 1896, ACT 74 OF THE LAWS OF THE PROVISIONAL GOVERNMENT, APPROVED MAY 3, 1894, AND ACT 27 OF THE SESSION LAWS OF 1895, APPROVED MARCH 13, 1895, RESTRICTING CHINESE IMMIGRATION.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 2 of Chapter LXXX. of the Session Laws of 1892 is hereby amended so as to read as follows:

“Section 2. Conditional permits to enter this Republic may be granted by the Minister of Foreign Affairs, with the approval of the Executive Council, for such Chinese, as shall be recommended by the Board of Immigration upon the application of employers of domestic, agricultural or mill labor, which said permits shall contain the condition, printed in both the English language and in the Chinese characters, that the bearer is allowed to enter this Republic solely on condition that he give a bond to said Minister in the sum of Fifty Dollars (\$50) liquidated damages, such bond to be signed by his employer as surety and conditioned that while here he will engage in no trading or mechanical occupation other than domestic service or agricultural labor in the field or in rice or sugar mills, and that he will, whenever he shall cease to follow his vocation as agricultural laborer in the field or in sugar or rice mills or as domestic servant, leave this Republic, and that for every breach of such condition he shall, on conviction by any Police or District Justice be liable to a fine of one hundred dollars. For each conditional permit so granted the Minister of Foreign Affairs shall be paid a fee of one (\$1.00) dollar. Permits to enter this Republic may also be granted by the Minister of Foreign Affairs for any Chinese

resident in this Republic at the date of the passage of this Act, provided that such person shall have resided within the Republic for two years immediately preceding such passage; and also to such other persons as may wish to sojourn temporarily in the Republic as travelers, or as merchants having business interests in this Republic; provided that such sojourn shall not exceed six months; and provided that such person so permitted to enter shall give a bond to said Minister, in the sum of five hundred dollars, liquidated damages, conditioned that he will leave the Republic within six months, and also all such persons who may wish to sojourn temporarily in the Republic, provided that such sojourn shall not exceed three years, and provided that such persons so permitted to enter shall give a bond with good and sufficient surety to the said Minister in the sum of one hundred dollars, liquidated damages, conditioned that while he shall remain within the Republic he will not engage in trading or mechanical occupation other than domestic service or agricultural labor in the field or in sugar or rice mills, and that he will leave the Republic within three years. Any person who shall remain within the Republic after the expiration of the period mentioned in the bonds given by him to the Minister of Foreign Affairs under the provisions of this Section shall be guilty of a misdemeanor and shall upon conviction be imprisoned at hard labor for a term not to exceed six (6) months. For each permit granted under this Section the Minister of Foreign Affairs shall be paid a fee of five dollars."

SECTION 2. Act 15 of the Session Laws of 1896, Act 74 of the Provisional Government, approved May 3, 1894, and Act 27 of the Session Laws of 1895, approved March 15, 1895, are hereby repealed.

SECTION 3. This Act shall take effect from the date of its publication.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 69.

AN ACT TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A STREET RAILWAY OR RAILWAYS IN THE DISTRICT OF HONOLULU, ISLAND OF OAHU.

Be it enacted by the Legislature of the Republic of Hawaii:

DEFINITIONS.

SECTION 1. Wherever in this Act the following words occur they shall be held to have the force and meaning herein set forth unless the context clearly indicates otherwise:

“Said Association and others” shall represent and mean Clinton G. Ballentyne, Frederick J. Lowrey, Theodore F. Lansing, James A. Kennedy, Charles S. Desky, Joseph A. Gilman, James F. Morgan, George R. Carter and J. H. Soper, their associates and assigns, or such corporation as may be organized by them, as named in the second Section of this Act.

“Executive Council” shall refer to and mean the Council designated as the Executive Council in the Constitution of the Republic.

“Minister of the Interior” shall refer to and mean the person from time to time acting as the Minister of the Interior as defined in said Constitution, or his lawful successor in said office.

“Railway” shall refer to and mean the rails, tracks, roadway, with its appurtenances, appliances and connections to be placed in streets, roads or places on the Island of Oahu, as by this Act provided, or to such rails, tracks, roadway, etc., of

any other corporation as may now be in existence or that may hereafter be laid.

“Honolulu” or “District of Honolulu” shall refer to and mean all of that portion of the Island of Oahu included in the judicial, educational and taxation district, now defined by law as the “District of Honolulu” or “Honolulu District.”

RIGHT OF WAY.

SECTION 2. The right is hereby granted to Clinton G. Ballentyne, Frederick J. Lowrey, Theodore F. Lansing, James A. Kennedy, Charles S. Desky, Joseph A. Gilman, James F. Morgan, George R. Carter and J. H. Soper, and to their associates and assigns or to such corporation as may be organized by them, to construct, lay down, maintain and operate for the term of thirty years, after the railway authorized by this Act shall have been commenced, a railway, either single or double track, or partly single and partly double, with such curves, switches, turnouts, poles, wires, underground or overhead conduits, and such other appliances and appurtenances as may from time to time be necessary for the use and operation thereof, along and upon the following streets, roads and places, in the District of Honolulu, upon said Island of Oahu, to wit:

1st. Beginning at the corner of Wyllie and Nuuanu streets and running along said Wyllie street to Liliha street, thence along Liliha street to King street, thence along King street to such point upon or near Nuuanu Stream, whence by a direct or nearly direct line Hotel street may be entered, with the right to bridge said stream for said purpose and to cross the intervening portion of the block adjoining the stream on the North; thence along Hotel street, Palace Walk, Printer's Lane or such street as may replace said Printer's Lane and be extended to the end of Young street on Alapai street, with the right

to cross the intervening premises between the present terminus of Printer's Lane to said point on Alapai street, if such street be not at that time extended; along Young street to Kapiolani street and through Kapiolani street to either Beretania or King streets; along Beretania or King street to Victoria street; and on Victoria street to Young street; and thence along Young street to the South-East end of said Young street; thence to King street crossing the intervening premises; thence along King street and the unopened extension thereof to the road from Beretania street to Moiliili; thence along said road towards Waialae and Palolo to the Park or Kapahulu road, and thence along said road to Leahi Avenue; thence along said Avenue and across the intervening property, to the road leading around the sea coast, to the South Westerly and South of Diamond Head, and along said road to Waialae.

Beginning again at the junction of said road, leading around Diamond Head and the Kapiolani Park, thence through the said Park on a line parallel with the *makai* or Westerly street thereof, and *mauka* of said street on a line designated and approved by the Honolulu Park Commission to the Waikiki road at or near Makee Island, thence along the *mauka* side of the Waikiki road through the premises adjoining the same to the so-called Bishop Switch. Provided, however, that the consent of the Executive Council first be obtained for such right of way through said Park as provided for by Act 53 of the Session Laws of 1896, approved June 6, 1896, or as an alternative route in Waikiki the following, from the said Kapiolani Park along the Waikiki road to a road leading into the Kekio Tract joining Kapiolani Park, thence along said road following around the said tract crossing Hamohamo stream, and crossing the intervening territory, to the Apua-

kehau stream, thence down said stream to the bridge on the Waikiki road crossing the same and turning to the left at a convenient point crossing the intervening property and connecting with the Kalia road near its South Easterly terminus; thence along the said Kalia road to the Beach road or after crossing said bridge instead of turning to the left along Waikiki road to the so-called Bishop Switch; thence down the road leading South West to Kalia Road, thence along said Kalia road to the Beach road at the Piinaio stream; thence along said Beach road to a point near Sheridan street upon a line with Queen street extension; thence to said Queen street and along the same to River street; thence along said River street to Hotel street.

Provided, however, that the said association and others in using the Young street route, may upon first obtaining the Executive Council's consent, in writing, go through Thomas Square, in place of using the route hereinbefore set forth which excludes Thomas Square from being operated as a part or portion of the Young street route.

2nd. Also beginning at the corner of Fort and Queen streets and running thence along Fort street to the wharf; thence along the water front to Alakea street; thence along Alakea street to Enima street; thence along Emma street to Punchbowl street at the point of junction with School street; thence along Punchbowl street to the Pauoa road; thence along said road to a point whence by crossing the intervening premises, the right to do which is conferred, connection can be made with the South Easterly end of Judd street at Nuanu stream and crossing the same by a bridge; thence along said Judd street to Nuuanu street; thence along Nuuanu street and Nuuanu Valley road to the Pali; or, in place of the route

on Alakea street to Emma street, the following: Beginning at the junction of Alakea street and the water front; thence along Alakea street *makai* of the Market; thence around the Southerly side of the Market to Richards street; thence along Richards street to Beretania street, thence along Beretania street to Emma street.

3rd. Also beginning at the corner of Emma and Vineyard streets, thence along Vineyard street and extension thereof to Liliha street; thence, through the lands generally called Palama to a point *makai* of or near to Houghtailing's residence upon the road adjoining the Kamehameha School premises; thence along said road to King street, and thence along King street to Moanalua; or, as an alternative, the following: In place of the route from the "corner of Emma and Vineyard streets to a point near the Houghtailing residence," the following, that is to say: Beginning at the corner of Emma and School streets; thence along School street to Liliha street; thence crossing the intervening country to and across the road leading to the Insane Asylum, and intervening country and thence around by the road alongside the Kamehameha School premises to King street at Waipilopilo.

4th. Also beginning at the corner of Hotel and Bethel streets, thence along Bethel street to King street, thence along King street to Fort street, thence down Fort street to Merchant street; thence along Merchant street to Richards streets (with a spur to or near the Hawaiian Opera House), thence along said Richards street to the water front with the right to connect with the Richards street line on the water front and on Allen or Halekauwila street.

5th. Also beginning at the corner of Young and Alapai streets and running along Alapai to Lunalilo street; thence

along Lunalilo street to Pensacola street; thence along Pensacola street to Wilder Avenue; thence along Wilder Avenue to Punahou street at the junction of Beckwith street; thence along Beckwith street to Metcalf street; thence along Metcalf street into Manoa Valley, connecting other roads or crossing the intervening territory with line 6.

6th. Also beginning at the corner of Wilder Avenue and Punahou street and running along Punahou street to the Manoa Valley road; thence along the Manoa Valley road into Manoa Valley.

7th. Also beginning at the corner of Wilder Avenue and Keeaumoku street and running along Keeaumoku street to King street; thence along King street to Sheridan street; thence along Sheridan street to the Beach road.

8th. Also beginning at the corner of Wilder Avenue and Pensacola street or at some point near the Pauoa bridge on Punchbowl street; thence along the road or through the open country upon the ridge to the Tantalus Residence Park.

9th. Also beginning at the corner of Wyllie and Liliha streets: running thence along Liliha street to the South East and thence across the intervening territory to the Nuuanu Valley road at or near to the Electric Light Station; thence to the Pali.

10th. Also beginning on King street at the junction of either road running *mauka*; thence up said road, across the Kalihi Valley and into Kahauiki by any available route; through Kahauiki to King street at some point in Moanalua, crossing the intervening country.

11th. Whenever the majority of the owners of property on any street or road in said Honolulu shall, in writing, petition said association and others to lay a railway in such street or

road, and the Executive Council shall consent thereto, such railway may be laid thereon, and thereafter may be maintained and operated for the unexpired term of the franchise.

MOTIVE POWER.

SECTION 3. 1st. The said railway shall be operated by electric power, either by overhead or underground wires or by storage batteries, or by such other method as may be an improvement upon either; or by compressed air; or by such other motive power as the said association and others may from time to time elect, subject nevertheless to the prior consent and approval of the Executive Council. Provided, however, that a part of such railway may be operated by one motive power, while another or other portions thereof may be operated by another or other motive powers, with the consent and approval as aforesaid. And further provided, that it shall not be lawful to operate the whole or any part of said railway at any point between Diamond Head and the Western boundary of Kalihi, or between the sea coast on the one side, and a line drawn parallel or nearly parallel to the sea coast and a mile and a half distant therefrom, upon the other side, with any car, engine or other vehicle emitting steam, smoke or offensive odors, or burning coal or any other fuel while running upon any of the streets, roads or places within said area, nor with animals attached to the cars.

2nd. If the said association and others, at any time, by lease or otherwise acquire the rights, franchises and property of any other person or corporation operating a street railway in Honolulu, or elsewhere on said Island of Oahu, the motive power in this Section authorized may be used upon the railway so acquired; and all of the rights, privileges, powers and

authority by this Act conferred with the reference to the occupation of streets, maintenance and operation of railways, cars, and other powers by the same conferred, are hereby authorized in the maintenance and use of the property so acquired.

3rd. The motive power by this Section authorized may be used for all of the purpose of railway traffic, either in the transportation of passengers, mail, freight or otherwise.

METHOD OF CONSTRUCTION.

SECTION 4. 1st. The said railway, together with all its branches and connections shall be thoroughly and substantially constructed according to the best modern practice, and in such manner as to cause the least obstruction to the free use of the streets, roads, and places in which it may be laid; and the location in the streets shall be as directed by the Minister of the Interior.

2nd. The cars for carrying passengers shall be of the most approved construction for the comfort, convenience and safety of such passengers, and shall be provided with fenders of the best pattern, and with proper lighting and signalling appliances, and with proper numbers, route-boards or signs, as approved by the Executive Council.

3rd. The tracks shall not exceed in width four feet, eight and one-half inches between the rails.

4th. The said association and others shall pay all expenses and damages and save the Government harmless and indemnified from all loss, cost, damage and expense, in consequence of, or arising from the construction and operation of said railway, and pay for all repairs to the streets in which

the same may be located, made necessary or advisable by the construction and operation of said railway.

And said association and others shall so provide for its electric currents and provide such conductors thereof, and of return currents that avoidable injury or deterioration shall not occur, nor be done to the water pipes, sewer pipes, gas pipes, or other property of the Government or of any person or corporation and shall save the said Government, or any person or corporation, harmless and indemnified from all loss, cost, damage and expense by reason thereof.

5th. The style of rail to be employed by the said association and others in constructing and laying down the several railway tracks, and the manner of laying such rails shall be such as may be approved of by the Minister of the Interior, provided, however, that the weight of such rail shall not be less than 56 lbs. per yard.

6th. In laying down the said tracks not more than one block on any one line shall be obstructed at any one time, and the work shall be carried on continuously until completed.

7th. The construction of said railway must be commenced within one year after the passage of this Act and at least ten miles must be completed, equipped and ready for the transportation of passengers within two years after such commencement and for the faithful performance of which said association and others shall give their bond in the penal sum of five thousand dollars, to the Minister of the Interior, said bond to be forfeited to the Government in case of failure to complete and equip said ten miles of railway within the said two years; and the remainder thereof must be likewise completed, equipped and ready for the transportation of passengers within four years after such commencement; and the franchise hereby granted shall cease and wholly determine as to any street, roads or places not occupied in accordance with the

provisions hereof within said period. Provided that any period during which the work shall be suspended by reason of actions or injunctions or other suits, impeding and delaying construction of use, the time so lost shall not be counted as part of periods of one, two and four years.

8th. Trolley wires shall be of a height of not less than 16 feet above the street. All guard wires, above, and on both sides of the trolley wire, shall be approved as the Minister of the Interior may deem expedient or necessary. The size and location of such wires, and the manner of supporting them, shall be subject to the approval of the said Minister of the Interior.

9th. The said association and others, whenever the streets are paved or macadamized, shall pave or macadamize the entire space between its tracks, or between the outside rails of double tracks if more than one track be laid, and for one foot outside of the outer rails, and such paving or macadamizing shall be flush with the streets, and correspond with the paving or macadamizing of the remaining portion of said street; and shall be so laid that the rails shall be flush with the streets. And the said association and others shall keep its tracks, and their portions of all the streets, in good repair, such repair when made to be approved by the Minister of the Interior. Repairs, when ordered by said Minister of the Interior in writing, shall be made by the said association and others within ten days of the date of said order.

10th. All of the matters and things required by this Section shall be subject to the approval of the Minister of the Interior.

POWER HOUSES AND STATIONS.

SECTION 5. The said association and others shall also have the right to construct and maintain all necessary power sta-

tions or houses, and such other buildings and structures as may be needed, and to use machinery therein, for the purpose of operating said railway; and of building and maintaining stations at such points as may, from time to time, be necessary.

HAWAIIAN TRAMWAYS COMPANY.

SECTION 6. 1st. Authority is hereby conferred upon the said association and others to occupy the streets and use the tracks of the Hawaiian Tramways Company in accordance with the provisions of Section 3 of Chapter 34 of the Laws of 1884, entitled "An Act granting to William R. Austin and his associates the right to construct and operate a street railroad upon certain streets in the City of Honolulu," provided that the said association and others shall comply with the provisions and requirements of this Section.

2nd. Whenever it shall be necessary to cross the tracks of any other railway, the said association and others are authorized to construct and lay down, at their own expense, proper crossings, removing the rails so crossed for that purpose; but such construction and removal shall be done in such manner as to least interfere with the traffic of such other railway; and after the said crossings are laid, the expense of maintenance shall be borne equally by the said association and others, and the owners or lessees of such other railway.

3rd. In the use of any portion of the tracks of the Hawaiian Tramways Company, the cars of the Hawaiian Tramways Company or of the said association and others shall not remain standing on the portion used jointly, but shall make only such stops as are required to take on and let off passengers.

SECTION 7. The said association and others shall at all

times maintain a sufficient number of cars to be used upon said railway for the carriage of passengers as public convenience may require, and such other cars designed for the carriage of mails, parcels and goods as they may deem necessary.

SECTION 8. The rate of speed of the cars of said association and others shall not exceed eight miles per hour within the following limits in the District of Kona, Island of Oahu, viz:

From the line of South street and Alapai street on the South and East, to Liliha street on the North and from the harbor front to Judd street and Pauoa road.

On none of the lines of said association and others shall the rate of speed exceed twelve miles per hour. On switches and turnouts and in rounding street corners, the rate of speed shall not exceed four miles per hour; also immediately before entering Thomas Square, provided permission to pass through said Square shall have been obtained as hereinbefore provided shall come to a full stop, and after the entering the said Square, shall not run faster than two miles per hour through said Square.

And for each violation of this provision, the said association and others shall be subject to a penalty of one hundred dollars, to be recovered in the District Court of Honolulu, at the suit of the Attorney-General of the Republic of Hawaii, or any other person to the use of the Republic.

RATES OF FARE.

SECTION 9. 1st. Any person riding upon the cars of said railway shall be liable to pay for such transportation the following rates: For a continuous ride anywhere between Diamond Head and Moanalua, or *makai* of a line drawn

parallel to the sea coast, and one and a half miles distant therefrom, not to exceed five cents, provided that children under seventeen years of age in going to and from school, shall not be required to pay over half fares, for which purpose tickets shall be issued.

2nd. For transportation without said limits such rate shall be charged as said association and others shall, from time to time, fix, subject to the approval of the Executive Council.

3rd. Upon a continuous trip, persons riding upon the cars, and transferring from one car to another upon a connecting line within the limits above mentioned, shall be entitled to a transfer ticket without the payment of an extra fare upon the lines of this railway.

4th. The said association and others shall make reasonable and just regulations with the consent and approval of the Executive Council regarding the maintenance and operation of said railway on and through said streets and roads; and the said association and others failing to make such rules and regulations, the Minister of the Interior with the approval of the Executive Council may make them. All rules and regulations may be changed from time to time as the public interests may demand at the discretion of the Executive Council.

Policemen, firemen and letter carriers, when on duty, and in uniform, shall be entitled to free passage over any of the lines of said association and others.

If said association and others, or any agent or employee thereof, shall demand or charge a greater sum of money for fare on the cars of said association and others than that fixed by this Act, such association and others, or such agent or employee shall forfeit to the person who is thus overcharged the sum of one hundred dollars, to be recovered in a civil action in any court having jurisdiction thereof.

Upon the trial of an action for any of the sums forfeited as provided above, proof that the person demanding or receiving the money as fare or for the sale of a ticket or check, was at the time of making the demand or receiving the money, engaged in an office of said association and others, or on any vehicle belonging to it, shall be *prima facie* evidence that such person was the agent, servant or employee of the said association and others to receive the money and the ticket or check mentioned.

SECTION 10. The person or persons lawfully in charge of any car may refuse passage to any person or persons who may refuse to pay the lawful fare, or to carry drunk, disorderly or diseased persons, or vagrants or criminals, and may eject forcibly if necessary, any such person or persons from the car.

RIGHT OF WAY ON TRACKS.

SECTION 11. The cars lawfully occupying and using said railway shall be entitled to and shall have the right of way upon the tracks by this Act authorized to occupy streets, roads and places, as herein mentioned, except that in case of fire such right shall yield to the fire engines during the continuance of such fire in Honolulu, and to the Honolulu police authorities in case of emergency.

SECTION 12. The said association and others shall, during the existence of this franchise, at all times, have and maintain an office for the transaction of the business of the railway at some place in Honolulu convenient of access to the public; and the directors of said railway and other persons having charge, management and control thereof shall be residents of the Hawaiian Islands.

SECTION 13. The said association and others shall have the right at all times to manufacture and construct and repair all the buildings, structures and appurtenances, machinery, cars and all and every other appurtenance or appliance by them required in the construction, equipment, operation and maintenance of said railway, and to create, maintain and use such electric or other power as may be required for the use of such railway, its appurtenances and appliances.

RIGHT TO PURCHASE OR LEASE.

SECTION 14. The said association and others shall have right to take over, either by purchase or lease, all or any part of the property, real and personal, rights, privileges and franchises, of any other railway, or of any other light or power company, or of any company having objects in whole or in part similar to those by this Act authorized, and shall have when so acquired and may exercise all of the rights, powers, privileges and franchises of such company, whether the same shall be derived by charter or act of the Legislature.

RIGHT OF CONSOLIDATION.

SECTION 15. The said association and others may unite, amalgamate and consolidate the stock by them issued with that of other persons in a company or companies having similar objects, or may enter into contracts and working agreements, or enter into engagements or leases with, and take shares in the stock of any other company or companies having such similar objects.

RIGHT TO BORROW MONEY AND ISSUE BONDS.

SECTION 16. The said association and others, whenever from time to time it shall be deemed expedient, in further-

ance of the objects by this Act authorized, shall have the power to borrow money and to secure the payment thereof with the interest agreed upon, by mortgages of all or any portion of the property, which may include the franchise, of such association and others, and such mortgages may be issued, or if it be deemed advisable, in the form of mortgage bonds, secured by trust deed of such property as aforesaid. Such mortgages or trust deeds may, in addition to the property named above, cover also any property or property rights to be acquired after their several dates as well as the income and receipts of the property from whatsoever source derived. Such mortgages and trust deeds may also contain such provisions as the said association and others may deem advisable and proper for the protection of all concerned, relative to payments of interest and principal; possession and operation of said railway or other property; default, remedies, foreclosures, powers of mortgages or trustees in all matters; and all and every other matter which it may be deemed wise and proper to insert therein. Provided that nothing in this Section contained shall operate to prevent said association and others from obtaining the usual business credits and to make promissory notes, without security under seal.

CHARGES UPON EARNINGS.

SECTION 17. The following charges shall be lawful upon the income of said railway:

1st. The expense of operating, repairs, renewals, extensions, interest, and every other cost and charge properly or necessarily connected with the maintenance and operation of said railway.

2nd. Dividends may be paid to the stockholders not to exceed eight per cent. on the par value of the stock issued.

3rd. A sinking fund may be created for the redemption of any bond which may be issued or other record debt and the capital upon the expiration of the franchise. Provided, however, that the amount placed to the credit of such sinking fund annually, shall not exceed in amount, such a sum with interest computed at five per cent. per annum, compounded, as will principal and interest combined, at maturity, equal the par value of the bonds, record and capital debt aforesaid.

4th. The excess of income shall be divided equally between the Government of the Republic of Hawaii and the stockholders of said corporation.

5th. A quarterly account or trial balance of the corporation shall be rendered by the corporation to the Minister of the Interior from the beginning of the actual construction of the railway.

PENALTIES.

SECTION 18. Any person wilfully or maliciously doing any of the following acts, to wit: Obstructing the free passage of the cars along said railway; defacing, marring or injuring the posts, wires or other appliances used in operating; defacing, marring or injuring the cars or other property; using the posts, fences, houses or other property without consent for advertising purposes; or in any other manner inflicting injury to the property or causing annoyance and embarrassment in the enjoyment of their property rights and franchise to the said association and others, shall be guilty of a misdemeanor, and upon conviction thereof in the District Court of Honolulu, shall be punished by fine not exceeding fifty dollars, or by imprisonment at hard labor not exceeding three months, or, upon a second or further conviction, by both such fine and imprisonment. Provided, however, that nothing herein contained shall prevent the punishment of such offender for any other offense included in this Act, or resulting therefrom.

RIGHT OF EMINENT DOMAIN.

SECTION 19. Whenever it shall be necessary that private property should be taken by said association and others for rights of way through the places or property specifically named in this Act, and the same cannot be acquired by purchase, or by lease for the term of this franchise, for a reasonable or fair compensation, the said association and others are hereby authorized and empowered to take such places or property to the extent only of the actual amount necessary for the said rights of way, in the manner hereinafter provided.

SECTION 20. If the person, persons, association or corporation owning such property does not consent and agree to the use required, and to the compensation offered therefor, the said association and others may institute proceedings before a Judge of the First Circuit at Chambers for the condemnation of the required premises.

SECTION 21. The proceedings shall be in the nature of proceedings "in rem" and shall be so entitled. They shall in all cases be instituted by the filing of a petition sworn to by some person thereunto duly authorized, which shall set forth all matters material in the determination of the issue, and which shall at least include the names and character of petitioner; a statement of the object for which the premises sought to be condemned are required; the names of those who have agreed to the uses required, and the compensation offered; the route, if the object be the laying out and construction of the railway; or location of building or other structures, and any other matter pertinent to the issue. All persons whose interests are involved may be joined in the proceeding, or several actions may be instituted.

SECTION 22. Notice of hearing, specifying briefly the nature of the matter at issue, shall be advertised in at least one news-

paper of general circulation published in Honolulu, for not less than one week, and a like notice shall also be served upon each owner and tenant of the several premises sought to be condemned. If any such owner or tenant shall be non-resident or absent, service may be made by leaving such notice at the last known place of residence, or upon any known agent of such non-resident or absent owner or tenant, and in any other manner prescribed by the said Judge. Proof of service may be made by admission in writing; by the oath of any responsible person making the same; or by a constable in usual form.

SECTION 23. The matter shall be in order for hearing five days after service of such notice upon the various parties interested, provided that in case of non-residents or others, absent or on whom service could not be made personally, the hearing may proceed to final determination, but such persons, if not represented shall not be bound finally as to the amount of compensation determined, but may at any time within one year after judgment, for good cause shown to the satisfaction of said Judge, on notice of said association and others, ask that said compensation be increased or decreased, as the case may be.

SECTION 24. At the hearing, after proof of service, evidence shall be taken upon all matters involved, and all persons interested shall be heard upon the issues. The Judge shall have jurisdiction to award damages, as below set forth, and judgment shall be rendered upon all matters at issue.

SECTION 25. The Judge may refer the hearing of the whole or any matters at issue to any disinterested competent person, who shall, after due notice of the hearing to all parties interested take evidence and report his findings thereon within ten days after hearing, provided that for reasonable cause the time may be extended. The report may be confirmed, set aside

or sent back for further evidence as the Judge shall deem proper.

SECTION 26. All of the costs in the first instance shall be paid by said association and others, and, if an appeal is not taken by either party, the premises condemned may be taken possession of immediately after the amount assessed as damages shall have been paid to the Clerk of the Court; or a receipt therefor shall be obtained from the owner, or some one in his behalf. A certified copy of the judgment may be recorded in the office of the Registrar of Conveyances, and shall have the full force, effect and operation of a deed of the premises.

APPEALS.

SECTION 27. If any person is aggrieved by the decision as to his rights, an appeal may be taken as now provided by law to the Supreme Court; but such appeal when duly perfected shall only operate to suspend the judgment as to the interest of the particular defendant appealing and no others.

DAMAGES.

SECTION 28. In fixing the compensation or damages to be paid for the condemnation of the rights of way through the places or property specifically named in this Act, the value of the property sought to be condemned and all improvements thereon shall be separately assessed. If the part taken shall be only a portion of the tract valued as a unit, then the damages shall be a proportionate part of such whole, subject to special damages for loss of any particular easements or appurtenances, or if the part taken shall destroy the value of the tract as a unit.

RESERVED RIGHTS AND AUTHORITY AT LAW.

SECTION 29. 1st. Except as by this Act otherwise so provided, the rights and privileges named in Section 2 hereof are

granted to the said association and others upon such terms, conditions and restrictions as now are or may hereafter be imposed by the laws of the Republic of Hawaii in relation to the matter of constructing and maintaining street railways in the District of Honolulu, Island of Oahu, and a strict compliance with such laws is hereby required of the said association and others.

2nd. The right to grade, sewer, pave, macadamize or otherwise improve, alter or repair any or all of the streets, roads or highways above mentioned, and of all other places in said Republic, is reserved to the Government, and may not be alienated or impaired; but any work in carrying out and performing such reserved rights shall be done in such manner as to obstruct or injure the railway hereby authorized as little as possible; but, if such improvement, alteration or work in accordance herewith upon such streets, or roads necessarily interferes with the grade of such railway, the said railway shall be altered and made to correspond with the improvements, alteration or grade, immediately upon being so required.

3rd. The said association and others, before laying the railway upon any of the streets or roads in the District of Honolulu, shall ascertain the lawful grade of such streets or roads from the Minister of the Interior, who shall furnish the required information within a reasonable time. The tracks of such association and others shall conform to the grades of said streets or roads on which they are laid down as furnished by the Minister of the Interior or other officer duly appointed by him, and the said association and others shall not in any way change or alter the same without the written consent of the Executive Council. And the Hawaiian Government re-

serves forever the right to change the line and grades of its streets at any time that the public interests demand such changes; and the said association and others, shall, at its own cost, within thirty days, conform to such new lines or grades in reconstructing its tracks or lines, upon receiving notice in writing from the Minister of the Interior, and such changes shall be made subject to the approval of the Minister of the Interior. And in all cases of street improvements by the Government, the said association and others shall conform to all such improvements, in the kind of pavement and the manner of laying the same, as directed by the Minister of the Interior.

In case of neglect by the said association and others to make such repairs, changes or improvements required of it by this Section, they shall be made by the officers, servants and employees of the Hawaiian Government, and the cost of such repairs, changes or improvements may be recovered by the said Government, from the said association and others.

SECTION 30. All material required by the said association and others to be used for the purpose of this Act, when imported from the United States, and being the product or manufacture of the said United States shall be free of duty, and the property of the said association and others shall not be liable to internal taxation while said railway is under construction, provided that as fast as completed and equipped the completed and equipped portions shall become liable to such taxation.

SECTION 31. Said Railway or Corporation shall pay in annual payments to the Department of the Interior the sum of ten dollars per annum as a license tax upon each passen-

ger car used by it or them, and no greater sum shall be exacted as Car License.

SECTION 32. All orders, permits, or approvals, as provided for in this Act, shall be in writing.

SECTION 33. The entire plant, operation, books and accounts of the said association and others shall from time to time be subject to the inspection of the Minister of the Interior or other officer appointed by him for the purpose.

SECTION 34. None of the rights or privileges enumerated in this Act shall be exercised by the persons forming the association set forth in Section 1, nor by their assigns, until a corporation shall have been duly organized under the laws of this Republic, for the purpose of constructing, operating and maintaining the lines of railway mentioned in this Act, having a capital stock of not less than two hundred thousand dollars and all the said rights and privileges assigned to said corporation without reserve.

SECTION 35. The said association and others shall provide such receptacles upon their street cars as shall be approved by the Postmaster-General for the conveyance free of charge of all letters.

SECTION 36. Whenever the said association and others or any corporation which may have been duly organized under the laws of this Republic for the purpose of constructing, operating and maintaining the lines of railway mentioned in this Act, and as by this Act provided, refuses to do or fails to do or perform or carry out or comply with any act, matter or thing requisite or required to be done under the provisions of this Act and shall continue so to refuse or fail to do or perform or

carry out or comply therewith, after due notice by the Minister of the Interior to comply therewith, the Minister of the Interior shall with the consent of the Executive Council, cause proceedings to be instituted before the proper tribunal to have the franchise granted by this Act and all rights and privileges granted hereunder, forfeited and declared null and void.

SECTION 37. It shall not be lawful to increase the capital stock of said corporation, at any time in excess of said two hundred thousand dollars, unless the proposed increase shall when taken with the said original capital stock, represent only the actual cost of the property of the railway, and not over twenty-five per cent. of such cost in addition thereto; such cost may include all expense, of laying tracks and equipping the road for public use, and may also include all subsequent extensions, but no such increase shall be authorized for extensions until they shall be determined upon and authorized by a vote of the corporation.

SECTION 38. This Act shall take effect and become law from and after the date of its approval.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 70.

AN ACT EMPOWERING THE EXECUTIVE COUNCIL TO EXERCISE CONTROL IN ALL MATTERS WHEREIN CLINTON G. BALLENTYNE AND OTHERS NAMED IN SECTION 1 OF AN ACT ENTITLED "AN ACT TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A STREET RAILWAY OR RAILWAYS IN THE DISTRICT OF HONOLULU, ISLAND OF OAHU," AND THE ASSOCIATES, SUCCESSORS AND ASSIGNS OF SUCH PERSONS SO NAMED, ARE AUTHORIZED TO EXERCISE THE RIGHT OF EMINENT DOMAIN.

WHEREAS, there has been an omission in the Act referred to in the title above set forth relative to the rights of the persons named in Section 1 of said Bill, to condemn and take property for the use of said railway or railways, and it is necessary in order that the rights therein granted may be successfully exercised that proper supervision and authority should be given to the Executive Council in matters where it is necessary that the right of eminent domain should be used,

Therefore:

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. That the right to take private property for the use of the railway or railways authorized by the Act entitled "An Act to authorize and provide for the construction, maintenance and operation of a street railway or railways in the District of Honolulu, Island of Oahu," and the procedure to be had and taken in all such matters shall in all cases be subject to the prior consent and approval of the Executive Council.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

JOINT RESOLUTIONS.

JOINT RESOLUTION.

THE LEGISLATURE of the Republic of Hawaii in regular session assembled, does hereby extend to the United States of America, its deep and earnest sympathy in the great loss of life sustained by the destruction of the battleship "Maine" in the harbor of Havana, Cuba, February 15, 1898.

RESOLVED that a copy of these resolutions be presented to the American Minister for transmission to the President of the United States of America.

February 26, 1898.

Approved this 4th day of March, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

JOINT RESOLUTION.

WHEREAS, the present systems of taxation are in many respects, unfair and unreasonable, and that a thorough adjustment and reorganization of the present system of taxation is imperative;

BE IT RESOLVED, by the Senate and House of Representatives, that the President, by and with the approval of the

Cabinet, shall immediately after the approval of this Resolution appoint a Commission of three (3) Members who shall consider ways and means for the improvement and adjustment of the License, Property, Income and Poll Tax systems; and shall report at the next Session of the Legislature, some Bill or Bills for such improvement and adjustment, together with any recommendations which they may see fit.

RESOLVED FURTHER, that there be set apart in the Appropriation Bill from any available funds in the Treasury, the sum of Five Thousand Dollars, (\$5,000.00), for the remuneration and expenses of such Commission.

Approved this 14th day of May, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

JOINT RESOLUTION.

WHEREAS, heretofore under the monarchy the Government conducted a museum of curiosities and eventually terminated the conduct thereof and loaned the curiosities remaining in such museum to the Trustees of the Bernice Pauahi Bishop Museum for exhibition therein; and

WHEREAS, subsequent to the abrogation of the monarchy the Government has loaned to the Trustees of the Bernice Pauahi Bishop Museum for exhibition several articles of antiquarian and historic interest, to wit: cocoanut drum, four fish hooks, wooden bowl inlaid with human teeth, malo, two feather capes, feather helmet and feather lei; and

WHEREAS, the Trustees of the Bernice Pauahi Bishop Museum desire to procure such of said articles as are valuable for exhibition;

BE IT RESOLVED by the Senate and House of Representatives of the Republic of Hawaii;

THAT the Minister of the Interior is hereby authorized to transfer the ownership of all of the said articles heretofore loaned to the said Trustees as aforesaid to such Trustees absolutely for the purposes of the said Bernice Pauahi Bishop Museum, and without pecuniary consideration.

AND the said Minister is hereby further authorized with the approval of the Executive Council, to transfer to the said Trustees absolutely any of the said articles in his possession known as relics of royalty, which may be desired by them for the purposes of the said Museum, and without pecuniary consideration.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

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